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AN INSIDE VIEW

OF THE

FORMATION OF THE STATE OF WEST VIRGINIA.

WITH

CHARACTER SKETCHES OF THE PIONEERS IN THAT MOVEMENT.

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WALTMAN T. WELLS

THE FORMATION OF WEST VIRGINIA.

CHAPTER I.

INTRODUCTORY.

The severance of West Virginia from the mother State was a tragic event in the history of our Civil War. Virginia was the oldest and proudest State in the Union. Her soil was "sacred soil." It had been the theater of many of the historic events in the childhood of our Republic, from the settlement at Jamestown to the surrender at Yorktown. It had furnished the explorers of our new country, the warriors to win its independence, the statesmen to build its government, it was "the Mother of Presidents." Its population were a peculiar people. They gloried in the prestige of their State. There was more State pride in Virginia than in any of the States. Every man was proud to call himself a Virginian and trace his ancestry to the "First Families." It was strange, therefore, that a division of this "sacred soil" should have been one of the incidents of the war. It was strange, too, that it should be the only division accomplished in a war for division, and that it should be brought about by the party opposed to division as against the party fighting to divide.

The manner of division is also interesting and instructive in its details. It is a strategic chapter in our political history—

a chapter that has, strange as it may seem, remained virtually unwritten. The bottom facts are little understood by our own people; to the outside world they are a blank page; and to the most intelligent reader they are, at best, but vague and obscure. The explanation for this lies in the fact that the cutting in twain of old Virginia was done during the commotion and turbulence of a tremendous Civil War, when the public mind was intensely centered on that struggle; and the rupture between the two Virginias, which, under other circumstances, would have attracted universal attention, was a minor incident in the drama, that passed almost unnoticed and unrecorded to its consummation. Moreover much of the manipulation and management of the scheme occurred behind the scenes. It was not intended for exhibition to the spectators. It was not officially reported. There is no complete public record from which a connected history of these events could be compiled. The main facts are carried only in the memory of a few men who were active participants in shaping those events, and there are not a half dozen men now living who are in possession of the data, from memory or otherwise, for a detailed history of the formation of the new State of West Virginia.

There were three men who were pioneers and leaders in the movements, from beginning to end, which resulted in the erection of a new State, one or more of whom the public has confidently expected would write this history and save from oblivion the important events which made the beginning and serve to complete the history of the State. One of these, A. W. Campbell, of Wheeling, was the editor of the Wheeling Daily Intelligencer, during all of the period involved in this history, and as such was intimately associated and familiar with the events transpiring during this period; his journal was a recognized power in moulding public opinion; and he was a man of broad intelligence, who took a keen and patriotic interest in all the pending questions of the times, and was in a more advantageous position

to write the early history of the State than any other man. But Mr. Campbell passed away and made no sign. Another of the recognized leaders was ex-Governor Francis H. Pierpont, who was made the executive of the restored government of Virginia preliminary to the erection of the new State, and who was in intimate association with its entire history, but who, also, has passed away leaving no legacy of the historic facts which came under his observation.

The third man to whom reference is made, Hon. Waitman T. Willey, who represented the restored government of Virginia in the United States Senate, and who was also one of the first U. S. Senators elected by the New State, and through whose agency, chiefly, the New State was born and reared into legal entity, was the last surviving member of the trio. He, also, recently passed away, far advanced in years. Senator Willey had resisted the many importunities of his friends and fellow citizens to write the history of the formation of the New State, because, as the writer frequently heard him say: "I do not believe I am the man who should write it; I was in it, and my personal bias would be very apt to color any narrative I might write of those events—at least it would lay it open to that suspicion."

It had been Senator Willey's lifetime habit to keep a private diary, and his recorded notes and impressions of the events relating to the movements and measures of the period when the fight was being made for a New State, although entered in his private journal with no thought that they should ever see publicity, are, for that very reason, a more impartial, suggestive, and instructive mirror of that time, than could be collected from any other existing data. This journal, together with other documents of a special and exclusive character relating to the events in question, having come into possession of the writer, at the death of Senator Willey, is his only reason for attempting this work.

It is not the purpose of the writer to publish a private journal, or to incorporate in this work any matter that was not intended for publication, but rather to use the documents in his possession as a basis of facts and of history from which to form conclusions, understand the issues of that time, and thus collect and set forth a connected and accurate history of the events which entered into that movement.

The writer has sought, first and foremost, the truth of history, and the events herein detailed are intended to be simply, a plain, impartial, and accurate recital of the things done and the issues fought in the erection of this State, and thus furnish the "missing link," so to speak, which connects with the earliest beginnings of our State history.

CHAPTER II.

THE TWO VIRGINIAS BEFORE DIVORCE.

An intelligent and comprehensive view of the events resulting in severing in twain the mother State cannot be obtained without understanding the relations existing between the two Virginias prior to the war.

It is commonly supposed that the separation was brought about by questions growing out of the war. The poets have sung of West Virginia as

> **"The child of battle, and of civic storm;**
> **Cradled in war, and rudely torn apart,**
> **From her who formed thy young and quivering heart."**

But the war was not the cause, but only the occasion, for the separation. The war furnished only the opportunity, not the reasons, for the severance. The question of dividing the State on the lines finally accomplished, had been a mooted question for fifty years prior to the war. It had agitated the Legislatures and the conventions of the State. It had been a subject of discussion in political campaigns and in party organizations. It had so embittered the population of the two territorial sections as to threaten the public peace. The motive already existed, at least in the western section, and the purpose was only slumbering, awaiting the opportunity, when the war broke out. It was like a great ship that had been strained in many

storms which needed only another troubling of the waters to part its timbers.

The causes which developed this situation between the two sections need only to be enumerated to appear conclusive. In the first place we have the anomoly of a State exercising sovereignty over a territory so geographically divided by a chain of mountains as to effectually cut off communication between its population on the one side and the other. The ranges of the Allegheny mountains erected their lofty crests and stretched themselves in parallel ridges between the two sections from one end to the other. They were impenetrable and impassable by any ordinary means of travel and transportation. The State government was administered from Richmond and its edicts carried around through the District of Columbia and the State of Maryland to the Western territory under its jurisdiction. It was facetiously said that when a sheriff from one of the Western counties had traveled to his State capital to settle his accounts he had just enough left of the revenues collected to pay his expenses back home. There was not only no communication between the two peoples, but there was little or no acquaintance, and asbolutely no commercial relations. Western Virginia belonged by nature, not to Eastern Virginia, but to the valley of the Mississippi. Its natural outlets to market were South and West, with Cincinnati and Chicago, with Pittsburg on the North, and with Baltimore on the East.

How was it possible for a people thus divided, although living under one State government, to develop or maintain any social, business, or political relations? How was it possible that their geographical separation should not engender, as it did, an estrangement between the divided populations, which would ultimately grow into jealousy and strife and bitter enmity? Nothing so draws the population of two sections of country together as business relations and commercial intercourse; and the reverse of the proposition is also true. History

has demonstrated that nothing renders two distinct peoples homogeneous so speedily and so effectually as the course of commerce. It is practically impossible as a political proposition for two peoples to live side by side in harmony for any length of time without either business or social intercourse. It is practically impossible for the members of one family, of the same blood and household, to maintain amicable relations without free and frequent intercourse. How anomalous that a State should be so situated as to make this impracticable!

Nature had divided Virginia. When the boundaries between the States of the Union were being fixed—as far back as 1781—there was a controversy in the Federal Congress as to the Western boundary of Virginia. It was then claimed that the Allegheny mountains should constitute her real boundary, as it was her natural boundary. Pennsylvania, Delaware, Maryland, and perhaps other States, were inclined to confine Virginia to the Allegheny boundary. It was a question that would not down till it was done. Daniel Webster had, thirty years before the war, with prophetic forecast, advised the South if it withdrew from the Union that the separation would leave Virginia dissevered, for the natural line of division would leave Western Virginia allied with the States of the North rather than the South. What Mr. Webster foresaw as a natural and inevitable result of a divided nation, was one of the very first results of an attempt to divide.

Moreover, the people of Eastern and Western Virginia were never homogeneous. They were as far apart in tastes and temperament as by geographical conditions. Their peoples were of a different ancestry, different habits, different tastes, different manners and modes of life. The population of the Western section had come, largely, from the neighboring States of Pennsylvania, Maryland, and New Jersey. They constituted the "Yankee" element of the State. They had nothing in common with the population of the Eastern section, and the enforced

isolation only served to make this fact more evident and the unnatural alliance more odious.

The Eastern Virginian was, and is, and always has been a very peculiar type of an American citizen. He was an aristocrat by nature. He banked on his blood. His title to nobility rose in proportion to the intimacy of his alliance with the "F. F. V.'s"—the "First Families of Virginia." He was as proud of his ancestry as the jockey of the pedigree of his horse. Caste was as well defined and pronounced in the population as under an absolute monarchy. The "poor white trash" had no standing that a member of the F. F. V.'s was wont to respect. Many of the notions that obtained under the old Feudal System, when the Baron built a castle and walled himself in from the vulgar contact of the plebeian and put on great pomp and ceremony, seemed to have been imported to Virginia. The lordly owner of a Virginia plantation surrounded himself with slaves, and established himself in a mansion that was as inaccessible to the common herd as a Feudal Castle. Nor was his personal dignity and self-esteem less exalted than a Feudal Lord. He had a knightly chivalry that would brook no trifling with his dignity. The slightest insinuation against his dignity or honor subjected the offender to the alternative of responding to a challenge to a duel or being branded as a coward.

But with all this prevalent caste the representative Virginian had many noble traits. He was the very personification of hospitality to his own class. He flocked with his own kind. In his own home he dispensed a princely hospitality. He was fond of society. He was the ideal gentleman in address and manners. Ceremonious but big hearted. He loved his friends and hated his enemies. He had leisure and liked to talk. He would talk entertainingly without limit. His tastes ran to blood-horses and politics, and his leisure gave him opportunity to study both. He knew much of party politics and public questions, and his convictions on such matters were as fixed and

unalterable as a rule of mathematics. He was loyal to his party friends and meant extermination to his political foes. His choleric temperament and profound convictions made him a natural orator. When he went upon the hustings during a political campaign, he gave an entertaining performance even to those who disagreed with him. Few better specimens of the highest style of the orator have ever been heard than some who have grown up spontaneously from Virginia soil. It was a florid, fervid, inimitable speech, that no scholarship, or training or tutorship could produce or bestow. It had in it a touch of nature that could not be counterfeited. It appealed to a hearer's inner self as spontaneous speech only can. It was, unhappily, a kind of oratory not often heard in these matter-of-fact, practical times when all "soft sensations are in the throng rubbed off."

This high-strung aristocrat of the East could never have been fashioned into fellowship with his democratic fellow citizen West of the mountains. They were, by nature, birds of a different feather, and no species of bird was ever more clannish than the old Virginian with his kind. He regarded his brother West of the Alleghenies with contempt—contempt for his humble ancestry, contempt for his plebeian tastes and occupations, contempt for his want of personal address and the habits of a gentleman, contempt for his calloused hands and his disposition to dirty his clothes with manual labor. They dubbed their Western brethren the "Peasantry of the West." They would not have associated with them on an equality. They would not have entertained them in their homes. They regarded them as occupying a lower social plane than themselves—and these aristocratic notions were just as intense as any religious prejudice ever was. There could be no compromise made with it. They have not been eradicated by the war. They live to-day wherever the old Virginian survives.

The bringing together, therefore, under one State govern-

ment of two peoples so diverse in their tastes and character as the Eastern and Western Virginians was like an attempt to fuse an aristocracy and a democracy into one homogeneous whole. Naturally they did not mix. Geographically they could not mix.

The situation was aggravated by the existing system of slavery. Slavery was a profitable institution east of the mountains, it was of but little practical value west of the mountains. That section of the State west of the Alleghenies was best adapted to stock-raising, grazing, the growth of the cereals, to manufacturing, and such industries as could not profitably employ slave labor. Its people cared very little for the institution on economical grounds, and were somewhat awry with it for moral considerations. They would not have invited it as an original proposition. They accepted it like many other things that were thrust upon them by the East. In the East it was interwoven with all their domestic and political institutions and was maintained without any moral compunctions. It had shaped and moulded their laws and public policy, as well as their private interests and modes of life. Nothing short of the upheaval of a great revolution could have uprooted it. In fact the value alone of slave property east of the mountains made it one of the principal estates of that section. The market value of this kind of property was much greater in the East than the West, for the double reason that the earning power was greater in the East and the property itself was more secure. The western section of the State was bordered its entire length by free soil which made the escape of the slave easy. He need but cross the Ohio River, or step across the invisible line into Pennsylvania to find friends to help him to freedom from his bonds. The uncertain tenure, therefore, of slave property in the western countries made it relatively less valuable than in East Virginia.

According to the census of 1860 the total slave population

of Virginia was four hundred and ninety thousand, eight hundred and eighty-seven—or in round numbers, one-half million. Of this half million, only twelve thousand seven hundred and seventy-one were owned in the counties now forming the State of West Virginia, although those counties constituted a full third of the territory of the State.

Let us now see how the State government at Richmond took advantage of this disparity in the number and value of slaves between the two sections to favor the eastern section, and we will find one of the chief incentives to a growing sentiment in favor of a division of the State.

The Constitutional Convention of 1850-51 had adroitly inserted a provision in that instrument which enabled the slave holder to make the most out of that kind of property as a basis of representation and the State to make the least out of it as a basis of taxation.

The provision in question prohibited any tax on a slave under twelve years of age, and placed an arbitrary and equal valuation of $300 on every slave over that age, no matter whether his market value was $300 or $3,000.

Thus while the western farmer was taxed on his horse or steer, and every other species of property, at its average market value, the eastern planter was protected by the Constitution itself, from bearing his fair proportion of the tax burden, by an arbitrary and inequitable valuation of that particular property which constituted his principal wealth.

No other public measure had inspired more bitter sectional animosity than this. In a speech delivered in the Convention which adopted that provision, Senator W. T. Willey said: "We are engaged in no new controversy. This controversy commenced long prior to the agitation of public sentiment which convened this body. This controversy commenced long prior to the Convention of 1829-30. It is as old as the lust of power. It is the old contest between the few and the many. It is the

same struggling effort continued through centuries past, to centralize power in the hands of the few against the antagonistic struggle of the many to have it diffused abroad in the community. * * * It seems that even here in the good old Commonwealth of Virginia, the same battle is to be fought again. * * * I will not say that anything can destroy western fealty and allegiance. But referring to those principles of selfishness, on which gentlemen base their resistance to our claim for popular power, how can it be reasonably expected that western fealty should not be diminished, while that very slave property which we have heretofore done all that was ever required at our hands to protect, is made, in the shape of taxation, the instrumentality of our political degradation, virtually giving goods and chattels power in the government whence we are excluded."

The foregoing extract illustrates the feeling of the western population and its representative men, on this inequitable principle of taxation, and discloses also the remedy which the western tax-payers quietly considered as a means of escape.

Now look at the other horn of the dilemma: This same Constitution which made slave property count for little in the tax system, made it count for much in the system of representation. It provided what was termed a "mixed basis" of representation, by which both voters and property were to count in the elections by the people. "It enfranchised property and inhabitants only in the west. It gave an unequal proportion of representatives to the east, through their preponderance of wealth—principally in slaves."

The effect of this undemocratic measure was to enhance the power of the eastern slave owner in the law-making branch of the government to such an extent as to give him absolute and undisputed control of that branch of the State government The power of the "Peasantry of the West" was thus proportionately minimized. It was virtually extinguished. There was no

legislative measure that western delegates might desire, however urgent and equitable, that could have any chance of adoption except at the pleasure of the dominating money power of the east.

Now having obtained undisputed control of the legislative machinery, and a system of taxation that bore heavily on the west and lightly on the east, let us see how they used this power as between the two sections. They first inaugurated a system of public improvements at the expense of the State treasury, on a mammoth scale. Railroads, canals, turnpikes, bridges, &c., &c., were built *ad libitum*, from the public revenues. But although the "Peasantry of the West" were contributing an unequal proportion of the money, none of these internal improvements were located or projected west of the mountains. They were all east of the Alleghenies where no "Western Peasant" ever traveled ever used them, or ever saw them. However dire the necessity for State aid in opening and developing the western counties, not a dollar of the appropriations could they get. The eastern section was being traversed by a network of railways, but not even a broad turnpike could be obtained for the western section. This policy continued until a debt approximating forty million dollars was piled up against the State—which is not paid to this day, although the old State has set apart one-third of it which she desires the New State to carry. The following facts compiled from what appears to be official documents we quote here to show how Virginia used her public revenues during this period:

"Anterior to 1858 the sum of $22,841,474.04 had been expended by the State of Virginia for internal improvements.

To railroads	$13,369,127.50
Navigation companies	4,749,666.30
Plank roads	396,456.44
Turnpikes	2,229,714.13
Bridges	133,100.00
State roads	1,778,906.61

"At the session of 1858 the additional sum of $5,917,000 was appropriated, and since paid.

To railroads	$4,664,000
Navigation companies	647,000
Turnpike companies	166,000

"And to this sum may be added $3,351,000, appropriated to works of internal improvement prior thereto, and not called for, but since demanded—making in the aggregate the total sum of $31,609,474.04 paid by the State for works of internal improvement.

"By an examination of the report of J. M. Bennett, Esq., auditor of public accounts of Virginia, under date of December 10, 1860, it will be seen that the outstanding public debt of Virginia, estimated to the 1st of January, 1861, was $32,188,067.32; that the unfunded debt of the State was about $5,000,000, and that by estimating the back interest it would swell the public debt of Virginia in round numbers to $47,000,000."

It is not possible to determine what proportion of this vast sum of money was expended west of the mountains, but an intelligent authority has estimated that the entire expenditures by the State for internal improvements west of the mountains from the beginning of the Commonwealth down to the time of the separation, would not exceed $3,000,000 in all, though West Virginia contained one-third of the whole territory of the State.

The simple enumeration of the foregoing facts and conditions, establishes the statement with which we introduced this subject, that the war was not the cause but only furnished the opportunity for the severance of West Virginia from the mother State. The fruit was already ripe and needed only that the tree be shaken. There was no such unnatural and incongruous alliance organized or existing in the Union of States as that which existed between the two Virginias. The discriminating policy with which the government was administered between the two sections continually intensified the natural conditions of antagonism. It destroyed any possible fraternity. It is not

strange that the two sections parted. It is strange that they remained together as long as they did.

The succeeding pages will disclose the logical steps by which the severance was accomplished, and West Virginia erected into a sovereign state.

CHAPTER III.

THE PRELIMINARY STEPS TO TAKE VIRGINIA OUT OF THE FEDERAL UNION.

When the war clouds of the great Southern Rebellion were gathering over the Nation James Buchanan was just finishing his term as President of the United States.

The situation was fast ripening for the tremendous struggle that was shortly to follow. The presidential campaign which had closed in November, 1860, had exceeded in excitement and animosity any other in the history of the country. There were four candidates in the field, and they represented the divisions of public sentiment upon the vital issue—that of slavery.

The "People's Party," or "Republican Party," or "Abolition Party"—by all of which names it had become known—had nominated Abraham Lincoln. That party represented the outspoken, aggressive opponents of the system of slavery. Its platform declared against its extension, and between the lines, the country read a declaration for its abolition.

The Democratic party was divided between the followers of Stephen A. Douglass, who was the apologist of what was termed "Popular Sovereignty"—which meant that each State should have the right to determine for itself whether it would be slave or free territory—and the followers of John C. Breckinridge, who were for the admission of States without restriction as to slavery, and the protection of slavery in the territories.

The Convention met at Charleston, S. C., and the Southern delegates being unable to agree with their Northern brethren as to a platform on the slavery issue, withdrew from the Convention. The residue of the delegates continued in session and continued to ballot, without result, for some days, when they adjourned to meet at Baltimore on the 18th of June; at which time they reassembled and nominated Douglass. The seceding delegates met some days later at the same place and nominated Breckinridge. This division meant the overthrow of the Democratic party, which had been in almost continuous control of the government for sixty years.

The "American Party," which represented the conservative sentiment of the country, and believed in dealing with slavery and all other questions in accordance with the Constitution and the laws made in pursuance thereof, nominated John Bell, of Tennessee.

In this contest the Northern States voted solidly, with the exception of New Jersey, for Lincoln. The South voted for Breckinridge, with the exception of Virginia, Kentucky, and Tennessee, which voted for Bell. Douglass received an immense popular vote, but so scattered that he did not carry any State.

The election of Abraham Lincoln was accepted by the South as a virtual declaration of war against their institutions, and, as it maintained, a just cause for a dissolution of the Union.

The situation was simply the culmination and climactic point in the nation of the same political antagonism that had existed between East Virginia and West Virginia. The same estrangement that had existed between the two sections of Virvinia had been doing its work between the two sections of the National Union North and South. There was little travel or intercourse between the Northern and Southern States. From want of acquaintance they had grown to be jealous and suspicious of each other. The great railroads of the country ran east and west, and there was but little business traffic between

the two sections. They were virtually two distinct nationalities.

The South, above all, was jealous of its system of slavery. The North had declared "an irrepressible conflict" against the system. It had declared that no union could exist between States one-half free and one-half slave. There was a continual effort by the North to circumscribe and limit the slave territory of the Union. When the Northwestern Territory was cut up into five great States, every one of them had come into the Union under a compact excluding slavery. The territorial limits of slavery, if not being diminished, had, at least, come to be fixed, while the free territory was growing proportionately much larger. The sentiment against the institution, also, was growing more intense, aggressive, and menacing. The South had come to believe that the only way to preserve its system of slavery was for the slave States to withdraw from the Union and set up an independent government. Public sentiment had been, for many years, crystalizing on this remedy. They preferred slavery to a place in the Federal Union.

The influence of the tariff controversy operated exactly in the same direction as that of slavery—increasing and intensifying the disunion sentiment. The Eastern and Middle States were engaged almost exclusively in manufacturing. It was claimed —and with good ground—that the tariff laws favored the Eastern States at the expense of the South. The doctrine of "State rights" naturally grew out of these two questions—slavery and the tariff. As early as 1831 the right of a State to nullify an act of Congress relating to the tariff, was openly advocated by Mr. Calhoun in Congress and attempted by his constituents in South Carolina. The Southern party were simply paving their way, in this controversy, to a lawful severance from the Union. If secession were a right enjoyed by the States under the Constitution, as they maintained; if for good reasons any one or number of States might dissolve their relations with the federal government at pleasure; if the highest allegiance of the citizen

is due to his State, and afterward to the national government; and if acts of nullification and disunion are justifiable and lawful under the Constitution—if this construction of the Constitution were tenable, the secession of a State that felt itself aggrieved ought, they maintained, to be a peaceable, inasmuch as it was a lawful, proceeding. These were the arguments that had been heard on the hustings in many campaigns; they had become familiar; and doubtless, many of the leaders and most of the supporters of the secession movement believed it would be peaceably accomplished. The attitude of President Buchanan encouraged and gave plausibility to this view. He was not a disunionist, but was extremely conservative as to the Constitutional powers of the Executive to use force to prevent secession. He was hesitating between conflicting views as to his duty in the premises.

While the President was hesitating plans were maturing among the hot-headed leaders of the Southern States, to carry out their secession program, peaceably if they could, forcibly if they must. The times were full of passion and rashness. Between the presidential election in November and the inauguration of President-elect Lincoln on the 4th of March, all the military posts and implements of war located in the South had been seized by the secessionists.

The first step in the formal work of secession was taken in South Carolina. A State Convention assembled at Charleston on the 17th day of December, 1860, and deliberately declared the relations of South Carolina with the Federal Union dissolved. The movement needed only a start to become contagious. By the 1st of February, 1861, six other states had followed the example of South Carolina, viz: Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas. On the 4th of February, 1861, delegates from these seceded states met at Montgomery, Alabama, and formed a government which they called "THE CONFEDERATE STATES OF AMERICA." They elected Jef-

ferson Davis, of Mississippi, provisional President, and Alexander Stephens, of Georgia, Vice President, and a Congress for the new government also assembled and organized.

This was, in brief, the situation in the affairs of the Nation when Gov. John Letcher, of Virginia, thought it incumbent upon him to call an extraordinary session of his State Legislature. Biennial sessions were the rule in Virginia and this was not the year for the regular meeting. The executive had no power to call a State Convention. Doubtless he felt that he must do something. The pressure upon him was tremendous. Virginia was beginning to realize her critical position in the gathering storm. As a border State she would probably become the theater of a desolating war, if war was to be. Would she stand as a break between the Cotton States and the North and endeavor to avert war, or would she cast her destinies with the South and take the consequences?

Governor Letcher was evidently vibrating between these alternatives when he called a session of his Legislature. He could not appease, and he dared not defy the insurgent spirit that was swelling about him. It was the province of the Legislature to determine whether there should be a Convention of the people, and by calling that body together the Governor made it possible for himself to say that he had put the responsibility where it belonged. Evidently, if he had been free to follow his own judgment, he would have had neither a Convention nor a session of his Legislature. In his message to the Legislature he probably reflected the judgment of the vast majority of his people, as well as his own conviction, that there should be no Convention called, while at the same time they indulged the vain hope that there might be a peaceable adjustment of their relations with the Federal Union or a peaceable secession from the Union.

The attitude of the majority of the people of Virginia could not probably be better understood, at this epoch, than by study-

ing this message of their Governor. First, there was the instinctive clinging to the old government and the old flag which they could not lightly throw off. Secondly, there was a belief in the possibility of a compromise through a Convention of the States, or otherwise, that would secure the protection to the institution of slavery for which the South was contending. Thirdly, in the event of the failure of compromise measures, they believed in the lawful right of the Southern States to peaceably withdraw from the Union. Of course, outside of these divisions of public sentiment, there were the radical elements on either side, the one loyal to the Union in any event, and the other the fanatical class of secessionists who were ready for, and urging, an immediate, and, if need be, a violent severance from the Federal Union.

Governor Letcher's message very adroitly attempted to conceal the underlying influences which had prompted the call for an extraordinary session of the Legislature by citing certain important business measures of interest to the State that called for immediate legislation. When he came to deal with the "state of the country," he deplored with apparent sincerity, the prevailing "spirit of faction which pollutes the fountain of national honor, and digs the grave of patriotism." He deplored with equal sincerity the existing danger to the perpetuity of the Union, and grew eloquent upon the grandeur and glory of the national Union of States which was now threatened. His notions of a proper remedy for the situation were disclosed by the suggestions of a general Convention of all the States; that the Northern States should repeal the laws which were designed to protect and afford a refuge for fugitive slaves; that effective guaranties should be given for the transmission of slaves between the slave-holding States; that slavery should be protected in the District of Columbia and equality in the States and territories must be recognized and the rights of persons and property adequately secured. In regard to calling a State Convention to

determine what course Virginia would take in relation to the secession movement, the message declared against it, and advised in strong terms, that no practical good could result from it. The Governor evidently believed that although, as he declared, the Union was already disrupted, a peaceable solution was still practicable; that the Northern States would yield to the defiant demands of the South and that such concessions would be made as to secure the perpetuity of the Union with the institution of slavery more effectually protected. The same forlorn hope of an amicable adjustment was cherished by a large element in the North; and a peace conference was then sitting at Washington, in which twenty-one States were represented, including Virginia, proposing certain amendments to the Constitution, and which were laid before Congress for adoption, but to which that body gave little heed. The flames of sectional passion were daily being fanned into a white heat by recurring events, and had already gone too far to be arrested by the calm, conservative elements of the country. Men were rapidly defiling into the two divisions which meant war to the death.

In obedience to the call of Governor Letcher, the Legislature met in extraordinary session at Richmond on the 7th day of January, 1861.

The existing divisions of sentiment on the great questions of the hour were quickly made manifest in the proceedings of that body. Among its first acts was the passage of a series of resolutions in both branches proposing that the State of Virginia should become the mediator between the Federal government and the seceded States, and requesting a suspension of aggressive action on the part of the Federal government for sixty days to await the result of peaceful negotiations. These resolutions were expressive of the conservative and patriotic sentiment still existing among the people and voiced by their representatives in the legislative body. But behind it was the more violent and aggressive element, which, although yet in

the minority, were red hot in their purpose to sever Virginia from the Federal Union.

After a brief week of turbulent and heated debate this minority accomplished the passage of a bill for a State Convention, which was, in fact, the pivotal point in determining the relation of Virginia to the secession movement. If Virginia were to remain in the Union, there was no need of a Convention. The only purpose of a Convention was to assemble a body which could enact the formal procedure for taking her out of the Union.

The secession schemers in the Legislature were far-sighted and adroit, and not very scrupulous about the forms of law or precedent when these stood in the way of their ultimate purpose. It was without precedent, for instance, that a State Convention should be called without first submitting the question to a popular vote whether the people desired a Convention. It is a fundamental principle recognized in all the States that the assembling of a Convention whose office is to deal with the organic law of the State, and which is, in fact, invested with absolute jurisdiction over the Constitution of the State, should not be authorized by anything less than the formal assent of the entire people of the State. This principle had been recognized and the precedent established in the only two other State conventions held in Virginia, viz: in the years 1829 and in 1851. But this was too slow a process for the secessionists. They would strike while the iron was hot. They refused to risk a vote of the people. They appointed a Convention to be held less than a month distant. They ordered an election for delegates to that Convention to be held on the 4th of February, 1861. They allowed but three weeks for all the machinery for such an important election to be put in operation, and for the people to select and determine the character of the men who should represent them. At the same election it was ordered that a vote be taken as to whether any action

of the Convention dissolving the relations of Virginia with the Federal Union, or changing the organic law, should be submitted for ratification or rejection to a vote of the people. This provision also was one looking to speed. It is perhaps without precedent in the history of any State, that the work of a State Convention should become law without first being passed upon by the people. It was revolution, and these were revolutionary measures.

On the 4th day of February the vote was taken on the matters submitted to the people under this bill. There was no opportunity for the voters to pass upon the question whether they should have a convention or not. That had already been determined. They were simply permitted to choose those who should represent them in that Convention. The only question, therefore, which indicates the temper of the voters in relation to the call for a Convention, was that of deciding whether the Convention should be invested with supreme power, or whether their acts should be subject to ratification by the people. Doubtless the voters understood, and knew that the Convention would so interpret it, that if they surrendered their right to pass upon the proceedings of that body and gave it absolute power, it meant the immediate transfer of Virginia to the Confederate government at Montgomery. The situation made this obvious. There could be no other excuse for a convention sitting at that time than that of formally transferring the allegiance of the State from the Federal Union. Reading the votes of the people upon that provision of the bill in this light, it plainly shows the attitude of Virginia, at this epoch, upon the question of secession. A majority of nearly sixty thousand votes were recorded in favor of holding a check upon the Convention, by referring their action to the people. In other words, out of one hundred and fifty thousand voters only about forty-five thousand were at this time secessionists; the remainder, one hundred and ten thousand, were still loyal to the Federal Union.

But in a revolution numbers do not always decide events. The principle that a majority shall rule belongs to the peaceful sway of orderly civil government. The aggressive, organizing forces of a revolution are the revolutionists themselves. The opposing forces are more or less passive until the purpose and progress of the revolution are beyond control. The unthinking and short-sighted elements of the population are drawn into the whirlpool of passion and prejudice. The drift is always toward the stronger current. By the time the Convention had assembled the plastic spirit of the population had absorbed much of the passion of the hour. The Convention was no less a representative body than was the Legislature which called it. In both bodies there was a majority, doubtless, devoted to the Federal Union and averse, at least, to a violent severance of the Union. But the same pliant, fluctuating attitude of the majority in the legislative body, which enabled the radical minority to hoodwink them into a call for a Convention, was manifest in the latter body when the ultimate and only purpose of that Convention was made an issue. The plastic delegate and the more plastic populace were carried by every day stages toward the deluge.

CHAPTER IV.

THE SECESSION CONVENTION.

The Secession Convention—so called—which assembled at Richmond on the 13th day of February, 1861, was a very able body of men. As "night brings out the stars," so the gloom and anxiety which overspread the country at this time, brought to the front the most prominent and experienced men in public affairs. The people were disposed at this time to commit their interests only to the most able and accomplished of their public men. Every locality sent the "pick of the flock." No more statesman-like assemblage had ever convened in the state which had always been proud of her distinction as the "Mother of Statesmen."

This was not, at the beginning, a secession Convention. If a vote had been taken on the first roll-call a very large majority of its members would have been found opposed to seceding from the Federal Union. There was a leaven of secessionists present, fairly proportionate in number to the popular sentiment in the State, but enough, indeed, to leaven the whole lump. Although in the minority, it was the aggressive, active, and determined element in the Convention. It was strong in debate, fertile in resources, diplomatic and far-sighted in its plans, courageous and swift in action.

Virginia had wheeled about from her Democratic moorings, in the recent presidential election, and cast her vote for John

Bell, the Whig candidate. This very change in the party fealty of the State was the highest assurance of a conservative sentiment among her population on the questions of the hour. The John Bell party was the recognized Constitutional Union party of the Nation. Virginia had been casting her vote for the Democratic candidate since the days of Jefferson, and her change of front, while due in some measure to the defection in the Democratic party, was nevertheless, strongly indicative of the attitude of her population toward the revolutionary spirit of the time. In its political complexion the Convention was doubtless a truly representative body of the people from which they came. It was ascertained that eighty-five out of the whole number of delegates had voted for Mr. Bell; thirty-five had voted for Mr. Douglass; and the remainder, thirty-two, had cast their votes for Mr. Breckinridge. Thus the conservative, Union sentiment, as indicated in the adherents of Mr. Bell, was graduated downward through Douglass to Breckinridge, the latter probably representing the radical, secession element, and giving the former a majority over both.

It was not, then, a secession Convention at the opening. It is doubtful whether even all the radical element were ready at that time to support such a measure. Mr. John Janney, of Loudoun county, was elected president of the Convention by a good majority. His character and standing as a sincere, conservative and patriotic man was another evidence of the conservative attitude of the delegates. His address, on taking the chair, was probably a fair reflection of the feelings of the majority which placed him there, and is well worthy reading in this light. Mr. Janney said, in part:

"Gentlemen, it is now almost seventy-three years since a convention of the people of Virginia was assembled in this hall to ratify the Constitution of the United States, one of the chief objects of which was to consolidate, not the Government, but the Union of States. Causes which have passed, and are daily passing into

history, which will set its seal upon them, but which I do not mean to review, have brought the Constitution and the Union into imminent peril, and Virginia has come to the rescue. It is what the whole country expected of her. Her pride as well as her patriotism —her interests as well as her honor, called upon her with an emphasis which she could not disregard, to save the monuments of her own glory. Her honored son who sleeps at Mount Vernon, the political Mecca of all future ages, presided over the body which framed the Constitution; and another of her honored sons, whose brow was adorned with a civic wreath which will never fade, and who now reposes in Orange county, was its principal architect, and one of its ablest expounders—and, in the administration of the government, five of her citizens have been elected to the Chief Magistracy of the Republic. It cannot be that a government thus founded and administered can fail, without the hazard of bringing reproach, either upon the wisdom of our fathers, or upon the intelligence, patriotism, and virtue of their descendants.

"It is not my purpose to indicate the course which this body will probably pursue, or the measures it may be proper to adopt. The opinions of to-day may all be changed to-morrow. Events are thronging upon us, and we must deal with them as they present themselves.

"Gentlemen, there is a flag which for nearly a century has been borne in triumph through the battle and the breeze, and which now floats over this capitol, on which there is a star representing this ancient Commonwealth, and my earnest prayer, in which I know every member of this body will cordially unite, is that it may remain there forever, provided always, that its luster is untarnished. We demand for our citizens perfect equality of rights with those of the Empire States of New York, Pennsylvania, and Ohio, but we ask for nothing that we will not cheerfully concede to those of Delaware and Rhode Island.

"The amount of responsibility which rests upon this body cannot be exaggerated. * * * * * * * * * * Is it too much to hope that we, and others who are engaged in the work of peace and conciliation, may so solve the problems which now perplex us, as to win back our sisters of the South, who, for what they deem sufficient cause, have wandered from their old orbits? May we not expect that our old sister, Massachusetts, will retrace her steps? Will she not follow the noble example of Rhode

Island, the little State with a heart large enough for a whole continent? Will she not, when she remembers who it was who first drew his sword from the scabbard on her own soil at Cambridge, and never finally returned it, until her liberty and independence were achieved, and whence he came, repeal her obnoxious laws, which many of her own wisest and best citizens regard as a stain upon her legislative records?

"Gentlemen, this is no party Convention. It is our duty on an occasion like this to elevate ourselves into an atmosphere, in which party passion and prejudice cannot exist—to conduct our deliberations with calmness and wisdom, and to maintain, with inflexible firmness, whatever position we may find it necessary to assume."

The spirit of patriotism and reverence for the old flag, which prompted the foregoing address, were as fervent before this "Secession Convention" as if it were a Fourth of July audience. That it met a cordial response from a majority of the delegates cannot be doubted, and that the sentiments were sincere and earnest on the part of the speaker, his whole course during and after the Convention, established.

The significance of the address will be overlooked if the reader does not note that the controlling thought in the mind of the speaker was that the mission of this Convention was that of mediator between the conflicting factions of the North and South. *"Virginia has come to the rescue,"* was his language. *"It is what the whole country expected of her."* That, evidently, was his idea of the purpose of the Convention, and the idea of the majority of those who constituted that body at this time. They did not apprehend the dark and desperate purpose which was slumbering and but half concealed on the minority side of the house.

Three lines of policy quickly developed in the proceedings as occupying the minds of delegates, for allaying or solving the growing conflict between the States:

First, there was the uncompromising secession element,

which believed the only remedy was a separation from the Federal Union, and the formation of an independent government of the slave-holding States. They maintained that the North hated slavery; believed it to be a sin and a crime; that they had determined to destroy it; that any compromise that could be patched up to allay the existing conflict would only be temporary; and the only permanent solution that would preserve the institution of slavery was secession. They were ready for this whether it were violent or peaceable, and they never flagged in their purpose to accomplish it.

Secondly, there was the conservative division, representing the majority, of whom the president of the Convention was the exponent, which did not desire separation from the Federal government; believed a compromise was possible, and while complaining of the attitude of the Northern States, were willing to make any fair concessions for the preservation of the Union, and thought the chief mission of Virginia and this Convention was to bring about this peaceable solution. They had no very well defined plans, but with a sincere attachment to the Union were willing to give and take in any proposed scheme of adjustment, and were awaiting the opportunity to throw their support to any feasible proposition.

Thirdly, there were the reconstructionists, who had ideas about the defects in our organic law; about the changes in the Federal Constitution necessary to a full protection of the rights of the States; and were ready with the exact provisions which should be incorporated in the national constitution. They were relying on the Peace Conference then sitting at Washington, to which Virginia had sent commissioners, to obtain such constitutional guarantees as would secure the claims of the South. That body was endeavoring to formulate and agree upon certain changes in the Constitution that would satisfy both sections, but when they finally presented them to Congress, that tribunal was not in a mood to consider them. The views of this division

of the convention were well expressed in resolutions presented by Mr. Richardson, among others of the same character:

'That in view of the grievances which the South has sustained at the hands of the North, and of the election of a Chief Magistrate avowedly hostile to the institutions of the South, it is the duty of the North at once to concede such constitutional guarantees to the South as will prevent the recurrence of wrongs already inflicted on us, and secure our full and equal rights in the Confederacy.

'That the failure to provide against these wrongs and to secure these rights is an evidence of either indifference or hostility to us, which are alike fatal to our peace and safety.

"That in view of these plain truths, we demand that security for our rights and honor be accorded us in the Confederacy as speedily as the necessary constitutional proceedings can be carried out, and in default thereof, will dissolve our connection with those who first wantonly wrong us and then obstinately persevere in the injury."

It is probable that the plan of securing constitutional guarantees as a means of preserving the Union, had the sympathy of a very large majority of the Convention, but only a fraction of that number were sanguine of success in obtaining them.

Another feature of the various measures proposed, discloses the fact that in this Convention there was very general unanimity on the proposition that a state had a right to secede from the Union, and that the national government had no authority to coerce her to remain in it. This doctrine was promulgated in nearly all the resolutions which came from the several divisions of the Convention. It was the doctrine of "State Rights" so long and so emphatically asserted by the political doctrinaires of the South. The logic of the doctrine was this:

The confederation of states was originally assented to by the legislature for each State.

The Constitution was assented to by the people of each State, for such State alone.

One is as binding as the other, and no more so.

The Constitution establishes a government, and it operates directly on the individual—the Confederation is a league operating primarily on the States. But each was adopted by the State for itself—in the one case by the Legislature acting for the State—in the other, by the people, not as individuals composing one nation, but as composing the distinct and independent States to which they respectively belonged.

The foundation, therefore, on which it was established, was Federal, and the State in the exercise of the same sovereign authority by which she ratified for herself, may for herself abrogate and annul it.

When a State does secede, the Constitution and laws of the United States cease to operate therein. No power is conferred on Congress to enforce them. Such authority was denied to the Congress in the Convention which framed the Constitution, because it would be an act of war of nation against nation—not the exercise of the legitimate powers of a government to enforce its laws on those subject to its jurisdiction.

The foregoing propositions are a very fair expression of the views which dominated the Convention, at its assembling, on the important question of the organic relation of a State to the Federal Government. As in every deliberative body, so in this convention, the effort was to formulate and agree. The evolutionary process toward unity on all the crucial questions of the hour was working itself out through the debates, the reports of committees, and the private and personal intercourse of the members of the Convention. Proposition upon proposition was poured in upon the Committee on Federal Relations, which Committee became the chief repository of the work of the Convention. Every phase of the situation, and every possible form of solving the problems which any delegate had to offer, were referred to it. Finally, on the 9th of March, about one month after the assembling of the Convention, this Committee on Federal Relations presented a report, which is very instructive

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in view of the fact that it probably embodies the best expression of the ruling sentiments of the Convention at this stage. After a formal preamble reciting the facts bearing upon the general situation of the country, the report concludes with the following series of resolutions:

"1. Be it resolved and declared by the people of the State of Virginia in Convention assembled, That the States which composed the United States of America, when the Federal Constitution was formed, were independent sovereignties, and in adopting that instrument the people of each State agreed to associate with the people of other States upon a footing of exact equity. It is the duty, therefore, of the common government to respect the rights of the States and the equality of the people thereof, and within the just limits of the Constitution, to protect with equal care, the great interests that spring from the institutions of each.

"2. African slavery is a vital part of the social system of the States wherein it exists, and as that form of servitude existed when the Union was formed, and the jurisdiction of the several States over it, within their respective limits, was recognized by the Constitution, any interference to its prejudice by the Federal authority, or by the authorities of the other States, or by the people thereof, is in derogation from plain right, contrary to the Consitution, offensive and dangerous.

"3. The choice of functionaries of a common government established for the common good, for the reason that they entertain opinions and avow purposes hostile to the institutions of some of the States, necessarily excludes the people of one section from participation in the administration of the government, subjects the weaker to the domination of the stronger section, leads to abuse, and is incompatible with the safety of those whose interests are imperilled; the formation thereof of geographical or sectional parties in respect to Federal politics is contrary to the principles on which our system rests, and tends to its overthrow.

"4. The territories of the United States constitute a trust to be administered by the general government, for the common benefit of the people of the United States, and any policy in respect to such territories calculated to confer greater benefits on the people of one part of the people of the United States than on the people of another part is contrary to equality and prejudicial to the rights

of some for whose benefit the trust was created. If the equal admission of slave labor and free labor into any territory excites unfriendly conflict between the systems, a fair partition of the territories ought to be made between them, and each system ought to be protected within the limits assigned to it by the laws necessary for its proper development.

"5. The sites of the Federal forts, arsenals, &c., within the limits of the States of this Union, were acquired by the Federal Government, and jurisdiction over them ceded by the States, as trusts, for the common purpose of the Union, during its continuance; and upon the separation of the States, such jurisdiction reverts of right to the States, respectively, by which the jurisdiction was ceded. Whilst a State remains in the Union, the legitimate use of such forts, &c., is to protect the country against foreign force, and to aid in suppressing domestic insurrection. To use, or prepare them to be used to intimidate a State, or constrain its free action, is a perversion of the purposes for which they were obtained; they were not intended to be used against the States, in whose limits they are found, in the event of civil war. In a time of profound peace with foreign nations, and when no symptoms of domestic insurrection appear—but whilst irritating questions of the deepest importance are pending between the States—to accumulate within the limits of a State, interested in such questions, an unusual amount of troops and munitions of war, not required for any legitimate purpose, is unwise, impolitic, and offensive.

"6. Deeply deploring the present distracted condition of the country, and lamenting the wrongs that have impelled some of the States to cast off obedience to the Federal Government, but sensible of the blessings of the Union, and impressed with its importance to the peace, prosperity and progress of the people, we indulge the hope that an adjustment may be reached by which the Union may be preserved in its integrity, and peace, prosperity and fraternal feelings be restored throughout the land.

"7. To remove the existing causes of complaint may be accomplished by the Federal and State Governments; the laws for the rendition of fugitives from labor and of fugitives from justice may be made more effectual, the expenditures of the government may be reduced within more moderate limits and the abuses that have entered into the administrative departments reformed. The State authorities may repeal their unfriendly and unconstitutional legisla-

tion, and substitute in its stead such as becomes the comity and is due to the rights of the States of the same Union. But to restore the Union and preserve confidence the Federal Constitution should be amended in those particulars wherein experience has exhibited defects and discovered approaches dangerous to the institutions of some of the States.

"8. The people of Virginia recognize the American principle that government is founded in the consent of the governed, and they concede the right of the people of the several States of this Union, for just causes, to withdraw from their association under the Federal Government with the people of the other States, and to erect new governments for their better security, and they will never consent that the Federal power, which is in part their power, shall be exerted for the purpose of subjugating the people of such States to the Federal authority.

"9. The exercise of this right by the States of South Carolina, Georgia, Florida, Mississippi, Alabama, Louisiana and Texas, without the assent of the other States, has given rise to new conditions, and presented questions touching those conditions, intimately affecting the rights and safety of the other States. Among these are the free navigation of the Mississippi River, the maintenance of forts intended to protect the commerce of the Gulf of Mexico, and the power to restrain smuggling along the interior borders of the seceded States; but the Federal authorities, under the Constitution as it is, disclaim power to recognize the withdrawal of any Sate from the Union and consequently to deal with these questions, holding that it is reserved only to the State as parties to the government compact to take lawful action touching them.

"10. Without expressing an opinion as to the question of power, but in deference to the opinion of the Federal authorities, the people of Virginia hereby declare their desire to confer upon the Government of the United States, the powers necessary to enable its proper authorities to deal peaceably with these questions, and, if it shall become necessary, to recognize the separate independence of the seceding States, and to make such treaties with them, and to pass such laws as the separation may make proper.

"11. This Convention composed of delegates elected by the people in districts, for the purpose of considering the existing difficulties in our Federal relations, represents the desire and earnest request of the people of Virginia, to meet as directly as possible the

people of her sister States, and to them appeal for satisfactory adjustment. Virginia, therefore, requests the people of the several States, either by popular vote, or in Conventions similar to her own, to respond, at their earliest convenience, to the positions assumed in the foregoing resolutions, and the proposed amendments to the Constitution of the United States hereunto appended. And in the event that this Commonwealth fails to obtain satisfactory responses to her requests, from the non-slaveholding States, she will feel compelled to resume the powers granted by her under the Constitution of the United States, and to throw herself upon her reserved rights.

"12. The people of Virginia will await any reasonable time to obtain answers from the other States, to these propositions, aware of the embarrassments that may produce delay, but they will expect, as an indispensable condition, that a pacific policy shall be adopted towards the seceded States, and that no attempt be made to subject them to the Federal authority, nor to reinforce the forts now in possession of the military forces of the United States, nor recapture the forts, arsenals or other property of the United States within their limits, nor to exact the payment of imposts upon their commerce; nor any measure resorted to, justly calculated to provoke hostile collision.

"13. In the opinion of this Convention, the people of Virginia would regard any action of the Federal Government, tending to produce a collision of forces, pending negotiations for the adjustment of existing difficulties as aggressive and injurious to the interests and offensive to the honor of this Commonwealth; and they would regard any such action on the part of the seceded States as hurtful and unfriendly, and as leaving them free to determine their future policy.

"14. The peculiar relations of the States of Delaware, Maryland, Virginia, North Carolina, Tennessee, Kentucky, Missouri and Arkansas to the other States, make it proper, in the judgment of this Convention, that the former States should consult together and concert such measures for their final action as the honor, the interests and the safety of the people thereof demand, and for that purpose the proper authorities of those States are requested to appoint commissioners to meet commissioners to be appointed by this Convention on behalf of the people of this State, at Frankfort, in the State of Kentucky, on the last Monday in May next."

The foregoing resolutions disclose the plans and purposes

that were being developed and formulated by the general body of the Convention. They represent the sincere and patriotic effort of the conservative majority to bring about a peaceful solution of the issues dividing the sections and possibly to preserve and perpetuate the union of the States.

But outside of the public deliberations of the Convention in secret conclaves, and by well defined and far-seeing methods the radical elements of the convention were working along other lines. They were men of fertile resources and determined purpose. They knew what they wanted and had the courage to bring it to pass. There was no division in their ranks, no diversity in their plans, and no hesitation in carrying them out. While they were participating in the deliberations of the Convention and combating or commending the various propositions under discussion, they were clandestinely formulating and perfecting a scheme that would override the Convention and take Virginia out of the Federal Union, *nolens volens,* and unite her fortunes with the seceding States. Subsequent events show how desperately and well they accomplished their purpose. Before the Convention was aware of it the State of Virginia had been virtually carried out of the Union and linked to the Southern Confederacy. It was not the "Secession Convention," so called, that ceded Virginia to the South, but a minority of designing and desperate members of that body simply used the Convention to give the semblance of authority to what had already been done without its knowledge, and compel a formal ratification of what it could probably not have done through parliamentary processes.

No record of what was going on behind the scenes, during the session of the Convention, was ever made, or will probably ever come to light. But there were some things cropping out in the public proceedings that, read in the light of subsequent events, give us an insight into the measures of the men who were shaping the situation. That they were in constant and

intimate communication and conference with the representatives of the embryo Confederacy whose headquarters were at Montgomery, cannot be doubted. The seceded States of the extreme South staked much on winning Virginia to their cause, both for its moral effect and the geographical reasons arising out of the position of Virginia with reference to the proposed Southern Confederacy.

On the very first day of the Convention, before its organization was completed, the following significant resolution was presented and passed:

"Resolved, That a committee of five be appointed by the President to await upon Hon. John S. Preston, Commissioner from the State of South Carolina; Hon. Henry L. Benning, Commissioner from the State of Georgia; and Hon. Fulton Anderson, Commissioner from the State of Mississippi, and inform them that this convention of the people of Virginia respectfully invites them to seats in this hall, and will receive at such time, and in such mode as they may severally prefer, any messages they may have to deliver."

These Commissioners were picked men of the South, distinguished for their ability as orators of the old Southern type, trained, magnetic, and skillful in all the arts of oratory. It was the beginning of an organized campaign for arousing a sentiment, in and out of the Convention, in favor of the secession movement. And it was a success.

The Convention set apart the 18th day of the month for hearing these Commissioners. Their addresses were so arranged in manner and matter as to make a harmonious, logical, and complete presentation of the argument for secession. They not only marshaled the arguments usually urged in favor of the radical measures, but they pictured, as only such orators could, the glorious consummation of a Southern Confederacy, constituted of a homogeneous population, with common sympathies, common ambitions, common interests, and especially with common views

regarding the institution of negro slavery. They predicted with great plausibility, a new era of industrial prosperity for the South, of which the State of Virginia would derive the greatest profit. "Her seaboard cities would become the mightiest of the continent." "She would have the direct trade of England which was now controlled by the North." "She would be to the Southern Confederacy what New England was to the North." "The great wealth of the Cotton States would be poured into her coffers, and ere long the cities of the State would rival in magnificence the cities of the Italian Republics during the middle ages, to which the treasures of the Orient were tributary. Towns, villages, and hamlets, in which wealth and affluence greeted the eye at every turn, would be constantly in the traveler's view. Great factories whose stately furnaces would pierce the heavens and whose ponderous engines revolved with a conscious nobility, would erect lofty fronts to catch the smiles of the morning sun."

By arrangement, the last speaker was the Commissioner from South Carolina—a popular orator of unsurpassed power in the South. The preceding speakers having stated the argument and laid a somewhat substantial basis for their cause, the South Carolinian was to fire the Southern heart, stimulate their old pride, and arouse their old time chivalry in behalf of a cause that appealed to them as Virginians in a peculiar manner. It was an address resplendent with oratorical effects, finished in diction, and marvelous in its flights of eloquence.

That these addresses created a profound impression not only upon the Convention, but the public at large, cannot be doubted. They visibly changed the tone and atmosphere of the Convention. The lukewarm delegates were raised to a higher temperature, and, doubtless, many who were hesitating were carried over to the secession side. Thousands of copies were printed and distributed, and they were eagerly read and became a prolific subject of discussion and criticism by the press of the country, North and South.

It was an encouraging beginning to the conspirators, of their campaign of public education and public stimulation. The lobbies of the Convention took fire. The rabble, the violent, the mob elements of the population of Richmond came to the front, and began to take a hand, so to speak, in the proceedings of the Convention. By various methods and devices they sought to bring pressure upon the delegates to compel a speedy enactment of the secession program. They filled the lobbies and galleries of the Convention. They endeavored to intimidate those whom they designated as "submissionists." They traversed the streets with bands of music, serenading the champions of secession, and heaping obloquy upon those who opposed it. They hung suggestive nooses to the windows of delegates who were pronounced in their opposition. They tore down the United States flags and hoisted the Confederate flags in their stead. And by all such devilish devices common to the unthinking and desperate elements of a great city, the rabble of Richmond continued to grow bold in the service of those who were seeking to mould, and were moulding, public sentiment in favor of their cause.

While these things were being done in and about the Convention, events were taking place in the country that served to fire the secession sentiment and very materially assist the promoters of that cause. A review of the general situation will help us to understand the local situation at Richmond and the influences that were operating to bring the Convention to a well defined position on the pending issues.

CHAPTER V.

DONE BEHIND CLOSED DOORS.

By the time the Richmond Convention was a month old, events had transpired in the country that served to very speedily crystalize public sentiment North and South, on the pending issues.

Lincoln had been stealthily conveyed to Washington and inaugurated President. The chief cause of suspicion and complaint by the South, had thus been consummated. His inaugural address had been read and studied for a forecast of the policy of the new administration toward the seceding States. While conservative, and even conciliatory, in tone, there was the absence of the hesitancy and uncertain attitude of the Buchanan administration. The South read in it the clear warning that all the powers of the Federal Government would be used to preserve the integrity of the Federal Union, peaceably if possible, but forcibly if necessary. In his first official papers President Lincoln further declared his purpose to repossess the forts, arsenals and public property which had been seized by the Confederate authorities. Soon after, an attempt was made to reinforce the garrison of Fort Sumter, which was the beginning of actual hostilities.

This fort was held by a small garrison of seventy-nine men under Major Robert Anderson. When it became known that the Federal Government would reinforce the forts, the authori-

ties of the Confederate States determined to anticipate the movement and General P. T. Beauregard, commandant at Charleston, sent a demand to Anderson for an evacuation. This was refused, and on the following morning the first gun was fired from a Confederate battery, followed by a terrific bombardment, which was continued until the fort was reduced to ruins, set on fire, and Major Anderson was obliged to capitulate.

"The news of this startling event," says Ridpath, the historian, "went through the country like a flame of fire. There had been some expectation of violence but the actual shock came like a clap of thunder. The people of the towns poured into the streets and the country folk flocked to the villages to gather the tidings and to comment on the coming conflict. Gray-haired men talked gravely of the deed that was done, and prophesied of its consequences. Public opinion in both the North and South was rapidly consolidated. Three days after the fall of Sumter, President Lincoln issued a call for seventy-five thousand volunteers to serve three months in the overthrow of the secession movement." Almost simultaneously a body of Confederate soldiers marched against the armory of the United States at Harper's Ferry. Another company of Virginians assailed the great Navy Yard at Norfolk. "It was now evident to all men—slow as they had been to believe it—that a great war, perhaps the greatest in modern times, was impending over the Nation."

During the progress of these events the excitement at Richmond and in the Convention had reached a white heat. Bonfires were burning in the streets. Stores and places of business were closed and the populace sought the public squares. Citizens from all parts of the State rushed into the city.

On the 16th of April the Convention went into secret session. A bond of secrecy was put upon the delegates. The reporters were excluded. The necessary officers were required to take a solemn oath not to divulge the proceedings. Two

additional door-keepers were appointed to guard the doors and keep the lobbies clear. In this secret session it is said that Henry A. Wise, who was probably the high priest of the secession element, arose from his seat in his dramatic way, laid a large horse pistol on his desk before him, and proceeded to harangue the Convention in the most violent manner, declaring that the hour had come for Virginia to assert herself, that her forts and arsenals were threatened by Federal soldiers, and now was the hour for her to arise in her might and resist the attempt to coerce and deprive her of her sovereignty as an independent State. The purpose to stampede the Convention into extreme measures was now apparent. A most exciting and acrimonious debate ensued. In vain did the Union men in the Convention endeavor to stay the tide and prevent their colleagues from yielding to the storm.

On the following day, the 17th of April, while the Convention was still sitting with closed doors, the ordinance of secession was presented and carried by a good majority. It was as follows:

"An Ordinance to Repeal the Ratification of the Constitution of the United States of America, by the State of Virginia, and to Resume all the Rights and Powers Granted Under Said Constitution.

"The People of Virginia in their ratification of the Constitution of the United States of America, adopted by them in Convention on the 25th day of June, in the year of our Lord, one thousand seven hundred and eighty-eight, having declared that the powers granted under said Constitution were derived from the people of the United States, and might be resumed whensoever the same should be perverted to their injury and oppression, and the Federal Government having perverted said powers, not only to the injury of the people of Virginia, but to the oppression of the Southern slaveholding States,

"Now, therefore, we, the people of Virginia, do declare and ordain, That the ordinance adopted by the people of this State in Convention, on the twenty-fifth day of June, in the year of our Lord

one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was ratified; and all acts of the General Assembly of this State ratifying or adopting amendments to said Constitution, are hereby repealed and abrogated; that the union between the State of Virginia and the other States under the Constitution aforesaid is hereby dissolved, and that the State of Virginia is in the full possession and exercise of all the rights of sovereignty, which belong and appertain to a free and independent State.

"And they do further declare, That the Constitution of the United States of America is no longer binding on any of the citizens of this State."

This ordinance was passed by a vote of 88 to 55. It was to take effect when ratified by a majority of the votes of the people of the State, and a poll was ordered to be taken on it, on the fourth Thursday of the next month—or about thirty days after its passage by the Convention. This was at least a formal compliance with the conditions upon which the Convention was called—that the people should have an opportunity of passing upon the work of the Convention.

A vote was taken in accordance with the provision of the ordinance, but before the result of that vote was ascertained the State of Virginia had been completely transferred to the Southern Confederacy. The Union men in the Convention, finding further resistance useless, began to withdraw after the passage of the secession ordinance, and the conspirators had things all their own way. They made use of their opportunity without much regard to the forms of law.

The bond of secrecy was still enforced. It was evidently a part of the plan that the country should not know what Virginia was going to do until it was done. After the adoption of the secession ordinance, the Convention provided for communicating the fact to their coadjutors in the South as follows:

"Resolved, That the President of this Convention communi-

cate in confidence, by special messenger, the ordinance resuming the powers of Virginia, granted under the Constitution of the United States, to the President of the Confederate States, and to the Governors of the non-seceding slave-holding States, and that the obligation of secrecy be removed so far as it applies to the Governor of this Commonwealth, with the request to observe it as strictly confidential, except so far as he may find it necessary to issue secret orders."

Following up their purpose to complete the transfer of the State, the Convention, two days after the passage of the ordinance of secession, appointed commissioners to confer with commissioners of the Confederacy in relation to an alliance with the Confederate Government; and on the 25th of April, one week after the secession ordinance, it passed the following ordinance:

"Be it ordained by this Convention, That the Convention entered into on the 24th of April, eighteen hundred and sixty-one, between Alexander H. Stephens, Commissioner of the Confederate States, and John Tyler, William Ballard Preston, S. McD. Moore, James P. Holcombe, James C. Bruce, and Lewis E. Harvie, Commissioners of Virginia, for a temporary union of Virginia with said Confederate States, under the provisional government adopted by said Confederate States, be and the same is hereby ratified and confirmed on the terms agreed upon by said Commissioners."

On the same day the Convention formally adopted and ratified the Constitution of the "Provisional Government of the Confederate States of America, ordained and established at Montgomery, Alabama."

It will be observed that all these things were ordained and adopted by this Convention before the people of the State had been permitted to vote upon the adoption or rejection of the secession ordinance. The time appointed for taking this vote was the fourth Thursday of May, and yet by the 25th of April the Convention had entered into a formal alliance with the Con-

federate Government, and had adopted and ratified the Constitution of that Confederacy. It is true that in these negotiations they made mention of the provision embodied in the ordinance of secession, that it was to be submitted to a vote of the people, but this, under the circumstances, was decidedly Pickwickian in its meaning and effect.

Behind closed doors, shut off from the people whose fate they were deciding, with opposing delegates practically driven out of the hall, this band of desperate men, without scarcely the semblance of authority, deliberately usurped the powers of the people, and without their knowledge transferred the State of Virginia from its place in the Union of States to the dominion of a Confederacy that was planning war against the National Government. It is possible, and even probable, that such would have been the ultimate result reached by the Convention even had it pursued a legal and authoritative course to the end. But that the method of the Convention in accomplishing this transfer, was a high-handed usurpation, engineered by a desperate minority of that body, cannot be controverted. As Senator Willey afterward said in a public address:

"Before the seal of secrecy was removed from the proceedings of the Convention; before the people knw that the ordinance had been passed; before the people had voted upon it—yes, sir! on the very next day after the passage of the ordinance, the Convention began to levy war against the United States—large appropriations for military purposes were made; field officers were appointed and commissioned; the military stores, forts, arsenals, and arms, and custom-houses of the United States, were seized at Richmond, Norfolk, Harper's Ferry, and other places. A fortnight had not elapsed until the Convention, still in secret session, and before the people knew that any ordinance of secession had passed, had, by solemn compact made with commissioners from the insurrectionary government of the so-called Confederate States, annexed Virginia to that confederation, and transferred to it her entire military resources, and placed the militia under the control of the rebel

chief of that insurrectionary organization. All this was done by these secret conspirators, not only before the people had voted upon the ordinance of secession, but before they were permitted to know, or did know, that any ordinance of secession had been passed. Thus were the unconscious people of Virginia, like beasts in the shambles, transferred to a new allegiance, a new government, and new rulers and political masters, in the selection of whom they had no knowledge or choice. And before the people were permitted to know of these proceedings, the 'sacred soil' of Virginia was trodden by the armed legions of South Carolina and the Gulf States, and on the fourth Thursday in May, when the ordinance was to be voted on by the people, thirty thousand glittering bayonets surrounded the polls from the Chesapeake to the summit of the Alleghenies. Portions of the Confederate forces had been pushed across the Alleghenies, and were menacing the lives and liberties of the people of Northwest Virginia. Officers had been commissioned and authorized to raise troops there and to organize the militia in subjection to the military tyrants at Montgomery, and in hostility to the United States. The civil authorities were also treated with condign punishment unless they instantly recognized this new order of things, and administered their offices as under the authority of the Southern Confederation."

With Virginia in alliance with the seceded States, the next step in the Southern program swiftly followed. She was to be made the battle ground of the most desolating war in modern history. So rapidly was the State filled with soldiers from the South, that Washington City was deemed to be in danger, and another call from President Lincoln for 83,000 volunteers was issued. On every side was heard the notes of preparation. "In the seceded States there was boundless and incessant activity." The Congress of the Southern Confederacy adjourned from Montgomery to meet at Richmond, which was chosen as the capital of the Confederacy; and hither came Jefferson Davis, its President, with his Cabinet, to direct the affairs of the Government and the army.

Thus did Virginia come swiftly into possession of the

fruits which her Convention had planned. "If the peaceable secessionist," says Mr. Hagans, in his sketch of this period, "in his happiest dreams, could he have drawn aside the veil of the future, and seen the hand of destiny in the fierce flames which writhed over the roof of his ancestors, or hid their furies amid the crashing walls of sacked and burning cities, or the howling wilderness which sprang up in the track of passing armies where all had been Eden, might have been awakened to that sense of startling reality which a few short years demonstrated to his horrified vision."

On the first of May the Convention adjourned to meet again on the 12th of June. They had already made provision for organizing and equipping an army, had severed their relations from the Federal Union, and had formally allied the State with the Confederate Government, all preparatory to making war on the Government of the Federal Union, and setting up an independent government of the Southern States. With a ridiculous show of consistency, they now adjourn, presumably to await the result of the vote to be taken on the fourth Thursday of May, on the question of seceding from the Union!

That vote was taken. The people were allowed to formally participate in the farcical proceeding of approving or rejecting that which had already been consummated beyond recall, without their consent and even without their knowledge. Whether any official return of that vote was ever made, or, if so, what it was, is not disclosed by the journal of the Convention.

But on the 12th of June the Convention reassembled. Eighty-one delegates responded to the roll call. They then proceeded to go through the formality of signing the ordinance of secession. For what purpose the individual delegates were required to attach their signatures to this particular ordinance, is not specified in the resolution calling for it. Certainly it was not deemed necessary to the validity of any other ordinance that it should bear the signatures of the individual delegates.

But, probably, as in the case of the Declaration of Independence, these signatures were to be a symbol and a test of the courage and loyalty of the individuals who were responsible for this important document. The obligation to secrecy was formally annulled, the doors were thrown open, the roll was slowly called, and as each delegate heard his name pronounced by the clerk, he walked forward and affixed his signature to this solemn instrument. No one refused. Ninety-two delegates responded and affixed their signatures.

There are but two or three of the names of the delegates from Western Virginia appearing among the signatures to that ordinance. The others were not there. The passage of that ordinance had been the signal for their withdrawal from the Convention, and, in some instances, their hasty flight to more friendly and safer environments west of the mountains.

After the Convention had settled down to business and looked itself over it proceeded to pass the following resolution:

"Resolved, That Wm. G. Brown, James Burley, John S. Burdett, John S. Carlisle, Marshall M. Dent, Ephraim B. Hall, Chester D. Hubbard, John J. Jackson, James C. McGrew, Geoge McC. Porter, Chapman J. Stuart, Campbell Tarr, and Waitman T. Willey, be and are hereby expelled from this Convention, and that their seats as members of the Convention be, and are hereby, declared vacant."

The delegates named in the foregoing resolution were the delegates representing Western Virginia who had been pronounced in their opposition to the secession movement and had voted nay on the question of its adoption.

It does not appear from the resolution that they had been guilty of any other offense that would deprive them of their seats, or that they had voluntarily resigned, or were to be allowed to resign. No charges or specifications are made in the resolution upon which to base the summary action proposed. Their absence from their seats, if long continued, might be some reason

for declaring them vacant, but the temper of the Convention could only be satisfied by first declaring that they "be, and are hereby, expelled." The parliamentary privilege of one delegate differing from another was denied them! They thereby committed an offense that rendered them ineligible to membership in the body! Not only so, but they subjected themselves to the penalty of expulsion, as unworthy of association with a body of men whose opinions, and judgment, and policy upon great issues, they had dared to question! So, therefore, the Convention proceeded to vote separately on each of the delegates named in the resolution, and each received almost a unanimous vote for his expulsion.

The Convention continued to act somewhat in the capacity of a Legislature, passing upon miscellaneous measures arising out of the exigencies of the times, until the 1st of July, when it adjourned to meet again on the 13th of November.

On the latter date this body came together for the last time, and proceeded to frame a new Constitution for the Commonwealth of Virginia. It was occupied chiefly with this task until the 6th day of December following, at which time it adjourned *sine die,* and passed into history, bearing a most pregnant contribution to the history of the time, and furnishing a typical example of the methods and madness of an able body of men rife with a revolutionary spirit.

CHAPTER VI.

AFTERMATH OF THE SECESSION CONVENTION.

After the passage of the ordinance of secession by the Richmond Convention, the delegates from Western Virginia realized that their influence and usefulness in that body were ended.

They had made a brave and persistent fight, and lost. They had appealed to the judgment, the sentiment and the patriotism of their colleagues in Convention to save their State from dismemberment from the Union, without avail. They had done this amid the jeers and threats of the mob in the gallery and the streets. They were the "submissionists." They had stood out as the chief, and almost the exclusive, open and active opponents of the secession program. They were marked men. Not only the odium which was inspired by their position on the immediate issues, but all the ancient antipathy between the peoples of the eastern and western sections of the old Commonwealth, was aroused against the western delegates.

Moreover, the bitterness, the malice, the suspicion, the vindictiveness, and the spirit of violence incident to the outbreak of a civil war, were rife among the populace of the city. The menace of the mob was everywhere. It was not safe to get in its way.

Under these conditions the western delegates, after consultation, determined that it was the part of prudence for them to get away from Richmond as speedily and quietly as possible.

But even then it was a difficult and dangerous undertaking on account of the system of espoinage that had already been organized throughout the city. They were obliged to procure from Governor Letcher written passports granting them protection and permission to leave the city. On the morning of the 21st of April, three days after the passage of the secession ordinance, nearly all the western delegates left the city, going by way of the B. & O. railroad to Alexandria, which they reached that evening, and where they remained all night. Even this city, so near the Federal capital, was in a tumult of excitement and preparation for war. As illustrative of the state of society even at this early period, an extract from a letter written by one of the delegates, Hon. James C. McGrew to a fellow delegate, Hon. Waitman T. Willey, who were traveling together, is here reproduced, as follows:

"During the time we remained in Alexandria an incident occurred in my presence having direct reference to yourself, which I have occasionally related to others, but never, I believe, to you:

"About nine o'clock at night, and after you had retired to rest, I was in the office of the hotel conversing alone with the clerk, when a number of well-dressed and respectable-looking men entered hurriedly, and in an excited manner proceeded to scrutinize the names on the hotel register, of those who had arrived during the afternoon and evening; commenting variously, and in no very mild or flattering terms, upon the political status of several of our little party. When your name was reached the one who appeared to be the leader, and who was reading the names aloud, at once loudly and profanely denounced you as an enemy to Virginia and the South, and declared that you ought to be taken from your bed and thrown into the Potomac before morning. This proposition seemed to meet with general approval, as there was not the slightest objection or remonstrance interposed by any of the party. They were induced to leave the hotel, however, without attempting to carry their murderous threat into execution."

This little party of "Union refugees," so to speak, continued their journey next morning to Strasburg, and thence

down the valley by way of Winchester to Harper's Ferry, making many narrow escapes from the mobs collected at different points along the way.

They were still under the bond of secrecy put upon them by the Richmond Convention, not to divulge its proceedings. But some of them had already written to their constituents, advising them in general terms, of the serious nature of the situation, and to prepare for the coming storm.

The arrival at their homes of the western delegates was the occasion of a general agitation of the whole population of Western Virginia. They were quick to comprehend the desperate character of the situation, but unable at once to determine the wisest course to meet it. As in all such crises, there was at first great confusion and diversity of opinion in the public mind. All recognized the importance of unity upon some well defined policy. Public meetings of the people in the various counties were the order of the hour. The returned delegates were active in organizing these meetings.

The earliest of these meetings was held at Morgantown immediately after the passage of the ordinance of secession, and before it was definitely known that it had passed, but had been so reported. The temper of the citizens of this locality, as expressed at this meeting, was representative of the prevailing sentiment throughout the western section. They entered a solemn protest against the secession of Virginia; denounced such action as treason against the Government of the United States; declared their unalterable opposition to such action; that they would not follow Virginia in such a course, but would dissolve their civil and political relations with the east; and commended the firmness of western delegates in resisting secession from the Union.

Similar meetings, expressing the same sentiments, were held in Taylor, Wetzel, Preston, Brooke, Harrison, and other counties. They served to give character and direction to the

gradually forming opinions and judgment of the masses of the people. It was a spontaneous and determined spirit of resistance to the action of the secession Convention. Western Virginia was loyal to the government of the Federal Union.

On the 22nd of April a large public meeting was held at Clarksburg, convened through the influence of the delegate from that county, Hon. Jno. S. Carlile, which gave the first practical turn to the course of affairs. This meeting, which was attended by about twelve hundred citizens, adopted a series of resolutions, which after denouncing and repudiating the course of the Richmond Convention, recommended to the people in each of the counties of Northwestern Virginia, to appoint five delegates from among their wisest men, to meet in convention at Wheeling, on the 13th of May following, "to consult and determine upon such action as the people of Northwestern Virginia should take in the present fearful emergency."

This proposition was favorably received. It was a practical suggestion for uniting and organizing the people of the western counties on some well defined course of action. Delegates were appointed in nearly all, if not all, of the counties, to the proposed Convention at Wheeling. And this Convention, as will appear later, became known as the "Mass Meeting," or "Mass Convention," which took the initiative step toward the dismemberment of Virginia and the erection of a new State.

While the people were thus preparing for united and definite action, the civil organization of the State was rapidly disintegrating and assuming a military air. Public officers were resigning their posts. Bands of armed men were traversing the public highways seeking to drive out all who were disloyal or uncertain in their allegiance to the Federal Government. Farmers, mechanics, and business men of every class, left their labor to swell the groups congregated here and there discussing the situation and learning the news. A feeling of disquiet and distrust was so general and intense as to entirely overthrow the

usual order of society. The roads were picketed in every direction; the peaceful yeomanry were arming themselves; and all classes of citizens were beginning to lose their reliance on the civil law and preparing to protect their lives and property by force of arms.

But public sentiment was not altogether on one side. In every county and every locality there was more or less division on the question of secession. It is true that the northwestern section, as a whole, was largely opposed to the secession ordinance. The returns of the vote taken on that ordinance, although, probably, not very accurate or complete, owing to the confusion of the time, showed that out of about forty-four thousand votes cast by the counties of the northwest, forty thousand were against the ordinance of secession. Yet in some of these counties there was a majority of the population in favor of secession. In every locality there was bitterness and hate between those holding opposite views, and it was usually the policy of the minority to keep quiet.

Intimidation and persecution by each of the divisions of the people, upon each other, led quickly to the organization and equipment of military companies, here and there, for self-protection, or the more ambitious purpose of joining armies of the Federal or Confederate government. About this time Henry A. Wise was sent by the Richmond government, with a military force, into the Kanawha Valley, for the purpose of holding that section for the Confederacy. His entrance into that section created intense excitement, the secessionists rallying around his standard, and the Union men fleeing to Ohio for safety.

In the northern section, a few companies of troops organized by the secessionists took possession of Grafton, as a strategic point, which commanded the Baltimore & Ohio railroad, and hence the passage of Federal troops from the west to the Federal capital. In the last days of May General T. A. Morris

moved forward from Parkersburg to Grafton with a force of Ohio and Indiana troops, and on the 3d of June came upon the Confederates stationed at Philippi. After a brisk engagement the Federals were successful, and the Confederates retreated toward the mountains.

General Geo. B. McClellan was now commissioned to undertake the conquest of West Virginia, and having taken command in person, on the 11th of July gained a victory at Rich Mountain. General Garnett, the Confederate commander, fell back with his forces to Carrick's Ford, on Cheat river, made a stand, was again defeated and himself killed in the battle. On the 10th of August General Floyd, commanding a detachment of Confederates on Gauley river, was attacked by General Rosecrans and obliged to retreat. General Wise had, in the meantime, abandoned the Kanawha Valley and gone back to Eastern Virginia. On the 14th of September a division of Confederates under General Robert E. Lee was beaten in an engagement at Cheat Mountain—an action which completed the restoration of Federal authority in Western Virginia.

In the meantime the proposed Convention at Wheeling for determining the course Western Virginia would take, had not been forgotten. Delegates were being appointed by the several counties to participate in that convention which was to meet on the 13th of May, and was destined to become illustrious as the initial movement in great events.

CHAPTER VII.

THE "MASS CONVENTION" AT WHEELING.

The morning of the 13th of May, 1861, witnessed an exciting and eventful scene on the streets of the city of Wheeling.

This was the day appointed for the assembling of what was popularly termed the "Mass Convention." Hither had come, in large numbers, the representatives of the people of the western counties to confer and determine upon a course of action that involved momentous interests. They were new men on a new mission, but they had the courage of their convictions, and were intensely serious and resolute in their purpose. Everybody was interested in the event, although he had no active connection with it. The interest of the whole population of the city centered in the movement, for the time being.

It might be said, too, that these delegates had no very well defined idea of what they were there for. Their mission had not been exactly determined or expressed. It was an irregular kind of proceeding. No statute law or constitution authorized or gave jurisdiction to the Convention. No official authority could be found for the calling of the Convention or the appointment of delegates. It was one of the steps in a revolution. It emanated directly from the people. It might be said to derive its authority from that provision of the Bill of Rights which declares that: "Government is instituted for the common benefit, protection, and security of the people, nation or commu-

nity; * * * and when any government shall be found to be inadequate or contrary to these purposes, a majority of the community has an indisputable, inalienable, and indefeasible right to reform, alter or abolish it in such manner as shall be judged most conducive to the public weal."

But what would or could this Convention do? All were very well settled as to what they would not do. Their negative attitude was pronounced, but while every delegate was eager to join his colleagues in doing something, they had come together without any concert or conference as to what they would do. We are indebted to Mr. Hagan's sketch for the details of the opening and organization of this Convention:

"By arrangement the delegates met at Washington Hall—a public hall in the center of the city—at eleven o'clock on the morning of the appointed day. The large building was filled to overflowing with an eager throng, whose anxious countenances depicted the depth of their feelings. It was a remarkable spectacle; the faces of the delegates were not familiar to those who had attended political meetings for several years previous. They were a new set of men whom the people had thrust forward in the peril of the emergency, whose recommendations were in entire sympathy with the masses in the struggle before them, and a hearty confidence in their fidelity. They were plain, unassuming men, too, but as plain men always do, they possessed those traits of character which make honesty the accompaniment of simplicity. Above all they were filled with a spirit caught from their constituents, of genuine attachment to the government of their fathers and a holy hope of relief from the task-masters of the east. It was the fierce spirit of the freshly lighted fire of pure and righteous revolution."

"The Convention was called to order by Chester D. Hubbard, of Ohio county, on whose motion William B. Zinn, of Preston county, was called to preside. George R. Latham, of Taylor county, was appointed temporary secretary. Before pro-

ceeding further in the business for which they had assembled, a venerable prelate, the Rev. Peter T. Laishley, of Monongalia county, himself a delegate, invoked the blessing of Deity on the deliberations of the body; a pious act of faith not without its usefulness in estimating the character of the delegates and the rectitude of their motives."

"A committee on permanent organization and representation was appointed. In the afternoon session John W. Moss, of Wood county, was reported for permanent president, and a long list of vice presidents; Col. Wagner, of Mason county, Marshall M. Dent, of Monongalia, and J. G. Chandler, of Ohio county, were appointed secretaries.

"The president, on being escorted to the chair, addressed the Convention. After thanking it for the honor conferred, he remarked that the object of the body was to consider the unhappy condition of the country, and particularly to deliberate calmly upon the position Northwestern Virginia should assume in the momentous history of the country. He said that the destiny of thousands was involved in the result of their action, and therefore it should be characterized by the solemnity befitting the occasion, and by the harmony and conciliation so necessary to any movement inaugurated by the Convention."

"The committee on credentials reported duly accredited delegates from twenty-six counties, as follows:

Hancock, Marion, Wood, Harrison, Wirt, Wetzel, Hampshire, Tyler, Frederick, Brooke, Monongalia, Lewis, Upshur, Jackson, Pleasants, Berkeley, Taylor, Marshall, Ohio, Preston, Ritchie, Gilmer, Mason, Barbour, Doddridge, Roane.

A committee consisting of one delegate from each county, was appointed on State and Federal Relations. The following persons composed it:

W. T. Willey, Chas. Hooton, Jos. Macker, G. W. Bier, E. T. Trahorn, G. S. Senseney, S. Cochran, A. B. Rohrbough, John S. Carlile, Daniel Lamb, D. D. Johnson, R. C. Holliday, F. H.

Pierpont, J. S. Burdett, J. E. Stamp, O. D. Downey, J. J. Jackson, Geo. McC. Porter, Jas. Scott, A. S. Withers, S. Dayton, A. R. McQuilkin, S. Martin, Mr. Foley.

The organization having been completed, and the machinery put in working order, the Convention soon got down to business. The ideas and plans of individual delegates were soon disclosed by a torrent of resolutions poured in upon the Committee on State and Federal Relations. There was no journal of this Convention ever published, and therefore the variety of schemes for solving the great problems, as embodied in these resolutions, has not been preserved. They were, doubtless, as diverse and crude as the notions of any body of men, informally and hastily convened to consider great and complicated questions, must inevitably be. And this diversity was the occasion of bringing on a very sharp and acrimonious debate very soon after the opening of the Convention.

But amidst the conflicting views, one fact was developed beyond doubt, and that was that if there was any approach to unanimity in the Convention upon any course of action, it was for a separation from the old Commonwealth and the formation of a new State out of the western counties.

This was the only specific scheme that had been agitated among the delegates. John S. Carlile was the author and open advocate of this measure and he had done no little missionary work in its behalf. He had inspired the Clarksburg meeting from which this Convention originated, and he had been active in moulding public sentiment in favor of the new State project, so that there was enough sentiment in the Convention when it opened to form a strong nucleus for this movement.

Moreover this sentiment grew rapidly and spontaneously from the moment the Convention opened. The idea of severing relations with the old State seemed to best satisfy the vindictive spirit of the hour. It became the rallying cry of the Convention. It was taken up by the populace on the outside, which

became noisy and clamorous in its favor. Processions were formed in the streets of the city, displaying mottoes expressive of the new State sentiment. It had taken possession of the multitude and swept everything in its way, completely swallowing up every other proposition.

Thus it soon came to be not so much a question of what the convention desired to do, as how to do it. Here was a proposition and a purpose to erect a new State. Under existing conditions, it was new. It was a movement without precedent in the history of the States. Other States had been formed but no State had been arbitrarily made out of the territory of another State as was proposed in this case. The situation presented grave difficulties to the thoughtful delegates but they did not deter the movement or dampen the ardor of its supporters.

Mr. Carlile had been the early and unwavering apologist of the new State project, and naturally, came forward as the leader of the scheme in the Convention. He was not much disturbed by any suggestions of irregularity, or technical difficulties, or want of precedent in reaching his object. Mr. Carlile was of that impetuous nature which well fitted him for heading a revolutionary movement. At the same time he was a man of ability, an accomplished speaker, plausible and attractive in address. He was thoroughly possessed of the purpose to accomplish the severance from the old State, and he was indifferent as to the method, so that it was done, and done quickly. He had no difficulty in rallying the delegates—as well as the galleries—to his support, and he aroused them to a high pitch of enthusiasm.

Mr. Carlile's scheme for the formation of a new State was purely revolutionary in its entire conception. But this was a time of revolution. It was in the air. And doubtless he depended upon riding that wave, and being supported in the end by the plea of necessity, in any radical measure that might reach the result.

On the 14th of May—the next day after the assembling of

the Convention—Mr. Carlile had introduced the following resolution, which embodied his plan of dismemberment and became the basis of the debate which ensued:

"Resolved, That the Committee on State and Federal Relations be instructed to report an ordinance declaring that the connection of the counties of this State, composing the Tenth and Eleventh Congressional Districts, to which shall be added the county of Wayne, with the other portion of this State is hereby dissolved, and that the people of the said counties are in the possession and exercise of all the rights of sovereignty which belong and appertain to a free and independent State in the United States and subject to the Constitution thereof; and that said committee be instructed to report a Constitution and form of government for the said State, to be called the State of New Virginia; and also that they report a declaration of causes which have impelled the people of said counties thus to dissolve their connection with the rest of the State, together with an ordinance declaring that said Constitution and form of government shall take effect and be an act of this day when the consent of the Congress of the United States and of the Legislature of the State of Virginia are obtained as is provided for by section 3, article 4, of the Constitution of the United States."

As already noted, this proposition was essentially and purely revolutionary in its character. It ran counter to every principle and provision of our system of government for the creation of a new State. But to the large majority of the delegates composing this Convention matters of constitutional law and government were new and beyond their grasp. They did not comprehend, and were incapable of an intelligent consideration of the questions involved. They followed Mr. Carlile blindly in the common object, without regard to its method of attainment. Yet there were a few men among the delegates who looked beyond the present and who knew that the scheme of Mr. Carlile carried to its ultimate end, would only result in defeat and failure of their cherished object. They were new State men, but they were for following the forms of law, rather

than attempting a revolutionary proceeding that the National Government would refuse to recognize. Nevertheless it looked like a very rash, if not a vain endeavor, to attempt to check and turn the revolutionary tide and convert the Convention to a more sane and considerate course of action.

In this exigency Hon. W. T. Willey was put forward to stem the tide, and undertake the bold and seemingly hopeless task of getting the Convention to think. Mr. Willey was the opposite of Mr. Carlile in character and temperament. He was less optimistic, more conservative, and as a lawyer, he had a clear view of the issues involved, as well as a natural bias for a legal and orderly proceeding. He and Mr. Carlile were fresh from the Richmond Convention where they had together wrestled manfully to prevent the secession of Virginia, and while they were now equally earnest in their desire to thwart the secession movement in the east, they were to become the chief opponents in a very memorable debate.

Mr. Willey's appearance in the role of an opponent of the pending proposition was the signal for an outburst of angry denunciation both from the Convention and the crowds in the lobby and in the streets. They called him a traitor and a secessionist. The mob hooted and hounded him, and at night gathered around his hotel threatening to hang him to a lamp-post. This unthinking element could only interpret a disagreement with the plan as outright opposition to the purpose.

Mr. Willey threw himself into the debate with all his native eloquence and clearness of statement, and finally gained the ear of the Convention. He declared that he would never lend himself to a revolutionary or an insurrectionary means of accomplishing an object which he thought could be accomplished according to law. He pointed out with great force the provisions of the Federal Constitution governing the formation of a new State. He cited Sec. III. of Art. IV., which declares:

"New States may be admitted by the Congress into this Union;

but no new States shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or Parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress."

He called attention to the fact that Mr. Carlile's plan proposed to call a new State into existence by a simple edict of the Convention. The Convention was to declare it done, and from that moment it was to be "in the possession and exercise of all the rights of sovereignty which belong and appertain to a free and independent State in the United States." This was to be although it had ignored all the conditions imposed by the Constitution for the erection of a new State. He further argued that the Convention there assembled could not predicate any authority for such a precipitate proceeding upon the call of the people they represented; that "the delegates had not been appointed with this view, or empowered to act with such extreme vigor; that this was but an informal meeting of the people, not legally convened, and could not bind the people to acquiescence either in law or reason, or by any known rule or precedent; and above all, that the Federal Government would not recognize a State created thus, because it was not after the mode prescribed by the Constitution of the United States." He said the proceeding if carried out would be "triple treason"—treason against the State of Virginia, treason against the United States, and treason against the Confederate Government, if that should succeed in maintaining itself. In other words, there was no existing government that did not assume a legal status except the one proposed for the new State.

Hon. F. H. Pierpont followed Mr. Willey in a speech supporting the position he had taken in opposition to the Carlile plan. The debate continued three days with great earnestness, and the result was marvelous as an illustration of how a body like that may be turned about from a fixed and resolute purpose

Francis Harrison Pierpont

to accept and adopt that which they had almost unanimously and stubbornly opposed. From the correspondence of Mr. Willey, the following extract from a letter by Gov. Pierpont, gives us an inside view of the situation in and about the Convention during this interesting contest. After referring to the speech by Mr. Carlile on the first day of the discussion, in support of his resolution, Gov. Pierpont continues:

"When he concluded, I, with others, I think, asked you (Mr. Willey) to go on the platform, which you did, and commenced your speech in opposition to Mr. Carlile's proposition, and spoke, I should think, some three-quarters of an hour. My recollection is, that by this time it was dark. I saw your weakness and exhaustion, and I think I moved that the Convention adjourn until 9 or 10 o'clock the next day, to enable you to finish your speech. On the next day the Convention assembled and you concluded your remarks—I think you spoke an hour and a half that morning with great earnestness. Before the Convention assembled on Wednesday, I learned that placards had been put up at the market houses and other places, calling a public meeting of the citizens, that day, at the court house, for the purpose of condemning your opposition to Mr. Carlile's project. I also learned that some parties had visited the various delegations the night before and that morning to ascertain how they stood affected in regard to that project, and that three-fourths of the delegations were in favor of Carlile's project. When you concluded your speech on the morning of the third day, Campbell Tarr followed in a short speech. * * * I then obtained the floor and went on the platform and spoke for about an hour and a quarter, when some movement was observed in the lobby, which was crowded, induced by some questions propounded to me by Mr. Carlile, which movement I thought indicated a disposition to overawe the Convention, and supposed to be a manifestation of the spirit which had caused the call of the court house meeting. I then referred to the court house meeting to condemn you, and denounced the movement, and appealed to the men of the mountain and river counties not to allow themselves to be overawed by this outside pressure. At this point the dinner hour arrived, a motion was made for a recess, and that I should conclude my remarks after dinner. During the recess the same parties who

had taken the sense of the delegations in the morning, again canvassed the delegations to ascertain how they stood and it was found that they were as strongly opposed to Mr. Carlile's proposition as they were in favor of it in the morning. After dinner I proceeded with my remarks but had not spoken more than ten minutes, when Mr. Carlile came in and proposed to withdraw his resolution and to recommit the whole subject to the Committee on Resolutions."

Another letter among Mr. Willey's correspondence, addressed to him, and written by Hon. George R. Latham, refers to the same discussion, as follows:

"Having had the honor of a seat in the Convention referred to and having been much interested in Mr. Carlile's proposition, because opposed to it, and fearing exceedingly the consequences of its adoption, I think I speak what I know when I say that upon the conclusion of Mr. Carlile's explanation of his proposition, two-thirds of the Convention regarded it with favor, and I am thoroughly convinced that a majority would have voted for it until the very able argument delivered by yourself in opposition to it.

"I at the time regarded the point as a most important crisis; the situation made an indelible impression upon my mind; and I have no hesitancy in saying to yourself, as I have frequently said to others, that your effort on that occasion saved us from anarchy, and placed the restoration of the Government of the State of Virginia upon a basis which secured it at once the respect of the thoughtful, and the confidence and recognition of the Government of the United States; and from which each successive step in that restoration, with all the beneficent results which have flowed therefrom, became easy and natural. It may not be improper to state here that in the Hon. J. J. Jackson, Sr., of Wood, and the Hon. W. G. Brown, of Preston, you found able aids."

The foregoing letters, which serve to reveal the status of affairs existing in that Convention without other record, were called out for a different purpose. The vigorous and violent effort Mr. Willey made in opposition to the Carlile plan for

forming a new State, had given rise to the accusation, and the very general belief by the people and the press, that he was opposed to the whole idea of creating a new State. These letters were written with a view of defining his exact position on that subject in the Convention.

The impression that Mr. Willey was opposed to the dismemberment of the old State was founded in error. He was probably the first to advance the idea of separation from the old State as the only effective security and remedy in the event of secession. This he did in December, 1860, prior to the assembling of the Richmond Convention, in a published letter appearing in "The West Virginia Guard." He took the same ground in the Richmond Convention itself, as well as in his public speeches after the passage of the ordinance of secession.

When the "Mass Convention" had changed its mind on the Carlile plan, it turned about to reach the same object in another way. Hon. F. H. Pierpont had presented the committee having the subject in charge, some resolutions, which were in the nature of a substitute for the Carlile plan, providing for holding a general convention on the 11th of June following, to which delegates should be regularly chosen by all the loyal counties, and which should devise such measures as the welfare of the people of the northwestern counties should demand. This proposition left all questions open as to what that subsequent Convention should do. It was confidently believed that any Convention of the people of the northwest would favor a separation from the old State, but the particular plan for accomplishing that object should be determined by the Convention itself. If the constitutional mode were to be followed, it would be necessary to first reorganize the government of Virginia, and obtain from it the necessary consent to a division of the State. No doubt the promoters of this new proposition had made known the details of their plan, and it was the tacit understanding that the work of laying the foundation of a new State should

begin then and there, and be prosecuted to its earliest consummation under the forms of law.

The proposition met the approval of the committee, and late that night of the third day of the Convention, they made an elaborate report, reciting the facts that had led to the action by this convention, and declaring that the action of the Richmond Convention was utterly subversive and destructive of the interests of Northwestern Virginia, and recommending the appointment of delegates to a general Convention to be held on the 11th day of June; that all counties disposed to co-operate would send delegates, and appoint committees to carry out their purposes; and that a central committee of five be appointed to carry out the object of the Convention.

This report was almost unanimously adopted by the Convention, without debate. The whole matter was put into the hands of a well chosen Executive Committee, and "amidst a blaze of enthusiasm, cheers for the Union, and the singing of the Star Spangled Banner," this remarkable and historic Convention adjourned, after setting in motion events which make the first chapter in the history of a new State.

CHAPTER VIII.

REORGANIZING THE VIRGINIA STATE GOVERNMENT.

The regular Convention, recommended by the "Mass Convention," assembled in the city of Wheeling, on the 11th of June, 1861, in the same hall that had been occupied by the previous Convention.

Thirty-five counties of the northwest were represented, and had sent an aggregate of seventy-seven delegates.

In the meantime the ordinance of secession had been voted on by the people of these counties, and disclosed almost a unanimous sentiment against it, so that opposition to the purpose for which the Convention was called had almost ceased, and a very harmonious and confident spirit was manifest among the members of this body.

Arthur I. Boreman, of Wood county, subsequently elected Governor, was chosen president of the Convention, and G. L. Cranmer, of Ohio county, was elected secretary. An oath was prescribed for the officers and delegates, requiring them to "support the Constitution of the United States, and the laws made in pursuance thereof, as the supreme law of the land, anything in the ordinances of the Convention which assembled at Richmond on the 13th of February, 1861, to the contrary notwithstanding."

The Convention having thus organized, very much the same problems which had confronted the previous body, immediately

arose for consideration, and the attitude of the various delegates served to divide it on the plan of reorganization as they had been divided in the "Mass Convention."

Two schemes were presented, that of immediately forming a new State out of the counties represented in the Convention, after the Carlile plan, and the other, of reorganizing the Virginia State Government, and assuming by these counties that they were the State. It was claimed by the advocates of reorganization that the action of the Richmond Convention was unconstitutional and revolutionary in its character, and therefore not binding on the counties that were still loyal to the Union. "The ordinance of secession was mere phraseology which effected no change in the relation of the people of Virginia to the Federal Government. The Constitution of the United States is the supreme law of the land. It was adopted by the people of the United States in their sovereign capacity and can only be changed or amended by the same power which created it. No provision is made for wholly annulling it. To change or amend it requires the assent of three-fourths of the States acting through their Legislatures, or Conventions called for the purpose, as shall be determined by Congress. When, therefore, any State, or combination of parties, seeks to change or amend the Constitution in any other mode than that provided by the instrument itself, the movement is clearly contrary to the organic law, and as such is revolutionary."

The majority of the Convention soon shifted to the support of the proposition for reorganizing the Virginia Government out of the loyal counties, vacating the offices, taking possession of the whole machinery, and calling this organization the State of Virginia, wholly independent of the organization that was purporting to be the government of Virginia at the city of Richmond.

Having determined upon reorganizing or restoring the State government of Virginia, the first aim of the Convention

was to gain the support of the people of the northwestern counties in the movement, as well as the recognition of the Federal Government. To this end the Convention adopted, with great unanimity, and promulgated an address or declaration of their motives and purposes, and a statement of the grievances which impelled them to this course. The address will be found to contain a very full expression of the attitude and aims of the Convention, and is here reproduced:

"A Declaration of the People of Virginia, Represented in Convention, at the City of Wheeling, Thursday, June 13, 1861.

"The true purpose of all government is to promote the welfare and provide for the protection and security of the governed; and when any form of organization of government proves inadequate for, or subversive of this purpose, it is the right, it is the duty of the latter, to alter or abolish it. The Bill of Rights of Virginia, framed in 1776, reaffirmed in 1830, and again in 1851, expressly reserves this right to a majority of her people. The act of the General Assembly, calling the Convention which assembled at Richmond in February last, without the previously expressed consent of such majority, was therefore a usurpation; and the Convention thus called has not only abused the powers nominally intrusted to it, but, with the connivance and active aid of the Executive, has usurped and exercised other powers, to the manifest injury of the people, which, if permitted, will inevitably subject them to a military despotism.

"The convention, by its pretended ordinances, has required the people of Virginia to separate from and wage war against the Government of the United States, and against the citizens of neighboring States, with whom they have heretofore maintained friendly, social and business relations.

"It has attempted to subvert the Union founded by Washington and his co-patriots, in the former days of the Republic, which has conferred unexampled prosperity upon every class of citizens, and upon every section of the country.

"It has attempted to transfer the allegiance of the people to an illegal confederacy of rebellious States, and required their submission to its pretended edicts and decrees.

"It has attempted to place the whole military force and military

operations of the Commonwealth under the control and direction of such confederacy, for offensive as well as defensive purposes.

"It has, in conjunction with the State Executive, instituted, wherever their usurped power extends, a reign of terror intended to suppress the free expression of the will of the people, making elections a mockery and a fraud.

"The same combination, even before the passage of the pretended ordinance of secession, instituted war by the seizure and appropriation of the property of the Federal Government, and by organizing and mobilizing armies, with the avowed purpose of capturing or destroying the capital of the Union.

"They have attempted to bring the allegiance of the people of the United States in direct conflict with their subordinate allegiance to the State, thereby making obedience to their pretended ordinances treason against the former.

"We, therefore, the delegates here assembled in convention to devise such measures and take such action as the safety and welfare of the loyal citizens of Virginia may demand, having maturely considered the premises, and viewing with great concern the deplorable conditions to which this once happy Commonwealth must be reduced unless some regular adequate remedy is speedily adopted, and appealing to the Supreme Ruler of the universe for the rectitude of our intentions, do hereby, in the name and on behalf of the good people of Virginia, solemnly declare that the preservation of their dearest rights and liberties, and their security in person and property, imperatively demand the reorganization of the government of the Commonwealth, and that all acts of said Convention and Executive, tending to separate this Commonwelath from the United States, or to levy and carry on war against them, are without authority and void; and that the offices of all who adhere to the said Convention and Executive, whether legislative, executive or judicial, are vacated."

The Convention thereupon took up the real business of reorganizing the government of Virginia in accordance with their declared purpose in the foregoing address. They framed and passed, without a dissenting vote, the following ordinance, which set forth in detail the scheme of reorganization:

An Ordinance for the Reorganization of the State Government. Passed June 19th, 1861.

The people of the State of Virginia, by their delegates assembled in Convention at Wheeling, do ordain as follows:

1. A Governor, Lieutenant Governor, and Attorney General for the State of Virginia shall be appointed by this Convention, to discharge the duties and exercise the powers which pertain to their respective offices by the existing laws of the State, and to continue in office for six months, or until their successors be elected and qualified; and the General Assembly is required to provide by law for an election of Governor and Lieutenant Governor by the people as soon as in their judgment such an election can be properly held.

2. A council, to consist of five members, shall be appointed by this Convention, to consult with and advise the Governor respecting such matters pertaining to his official duties as he shall submit for consideration, and to aid in the execution of his official orders. Their term of office shall expire at the same time as that of the Governor.

3. The Delegates elected to the General Assembly on the 23d day of May last, and the Senators entitled under existing laws to seats in the next General Assembly, together with such Delegates and Senators as may be duly elected under the ordinances of this Convention, or existing laws, to fill vacancies, who shall qualify themselves by taking the oath or affirmation hereinafter set forth, shall constitute the Legislature of the State, to discharge the duties and exercise the powers pertaining to the General Assembly. They shall hold their offices from the passage of this ordinance until the end of the terms for which they were respectively elected. They shall assemble in the city of Wheeling, on the 1st day of July next, and proceed to organize themselves as prescribed by existing laws, in their respective branches. A majority in each branch of the members qualified as aforesaid shall constitute a quorum to do business. A majority of the members of each branch thus qualified, voting affirmatively, shall be competent to pass any act specified in the twenty-fourth section of the fourth article of the Constitution of the State.

4. The Governor, Lieutenant Governor, Attorney General, members of the Legislature, and all officers now in the service of the State, or of any county, city or town thereof, or hereafter to be elected or appointed for such service, including the judges and

clerks of the several courts, sheriffs, commissioners of the revenue, justices of the peace, officers of the city and municipal corporations, and officers of militia, and officers and privates of volunteer companies of the State, not mustered into the service of the United States, shall each take the following oath or affirmation before proceeding in the discharge of their several duties:

"I solemnly swear (or affirm) that I will support the Constitution of the United States, and the laws made in pursuance thereof, as the supreme law of the land, anything in the Constitution and laws of the State of Virginia, or in the ordinances of the Convention which assembled at Richmond on the 13th of February, 1861, to the contrary notwithstanding; and that I will uphold and defend the Government of Virginia as vindicated and restored by the Convention which assembled at Wheeling on the 11th day of June, 1861."

If any elective officer, who is required by the preceding section to take such oath or affirmation, fail or refuse so to do, it shall be the duty of the Governor, upon satisfactory evidence of the fact, to issue his writ declaring the office to be vacant, and providing for a special election to fill such vacancy, at some convenient and early day to be designated in said writ; of which due publication shall be made for the information of the persons entitled to vote at such elections; and such writ may be directed, at the discretion of the Governor, to the sheriff or sheriffs of the proper county or counties, or to a special commissioner or commissioners to be named by the Governor for the purpose. If the officer who fails or refuses to take such oath or affirmation be appointed by the Governor, he shall fill the vacancy without writ; but if such officer be appointed otherwise than by the Governor or by election, the writ shall be issued by the Governor, directed to the appointing power, requiring it to fill the vacancy.

ARTHUR I. BOREMAN, President.

G. L. CRANMER, Secretary.

By way of executing the provisions of the foregoing ordinance, the next day after its adoption the Convention proceeded to elect the officers necessary to conduct the government which they were reorganizing. The election resulted as follows:

For Governor, Francis H. Pierpont, of Marion county;

Lieutenant Governor, Daniel Polsley, of Mason county; Attorney General, James S. Wheat, of Ohio county.

Governor's Council—Peter G. Van Winkle, of Wood county; Daniel Lamb, of Ohio county; William Lazier, of Monongalia county; William A. Harrison, of Harrison county; J. T. Paxton, of Ohio county.

These were all the officers elected at this time. It will be observed that under the fourth clause of the ordinance, a kind of test oath was provided for officers who were already acting under the old government, which was to determine whether they were fit to continue under the new. They formally declared all ordinances, acts, orders, resolutions, and other proceedings of the secession Convention at Richmond, illegal, inoperative, null and void.

This finished the work of the Convention so far as the matter of reorganization was concerned. But this body was big with a purpose, yet in the background, which had not yet been fulfilled, and that was the dismemberment of the old State and the erection of an independent State out of the northwestern counties. The time was not yet ripe for entering upon this movement. The basis was laid in restoring the Virginia Government, and when that was put in operation, the new State project could receive the formal assent of its Legislature, and the first step toward its legal entity would have been taken. With a view, therefore, of taking up in earnest the work of erecting a new State, the Convention adjourned on the 20th of June, to reconvene at the same place on the 6th of August following.

CHAPTER IX.

THE RESTORED GOVERNMENT OF VIRGINIA IN OPERATION.

In pursuance of the ordinance of the June Convention, the first Legislature, or General Assembly, under the reorganized government of Virginia, met at Wheeling on the 1st day of July, 1861.

This was called an extra session, as it was not the date for the regular semi-annual session. Governor Pierpont, who, as previously noted, had been elected to the executive chair of the restored government, sent in a message giving a very full review of the situation leading to the reorganization of the Virginia government. He informed the General Assembly that he had communicated to the President of the United States the purposes and acts of the Convention and people of the northwest in endeavoring to preserve the State of Virginia to the Union, and had received from him assurance that they should have such assistance from the Federal Government as could be given under the authority of the Constitution. He made various recommendations for completing and setting in full motion the machinery of the restored government.

On the 9th of July the two Houses of the General Assembly proceeded to complete the organization of the government by filling the offices that were still vacant. They elected L. A. Hagans, of Preston county, Secretary of the Commonwealth;

Samuel Crane, of Randolph county, Auditor, and Campbell Tarr, of Brooke county, Treasurer.

It being ascertained that R. M. T. Hunter and James M. Mason, representing Virginia in the U. S. Senate, had vacated their seats and were engaged in the effort to overthrow the Federal Government, the General Assembly resolved to elect two U. S. Senators to supply their places. Accordingly on the 9th of July they elected Waitman T. Willey and John S. Carlile United States Senators from the State of Virginia. These gentlemen presented their credentials from the Virginia Government at Wheeling, and were duly admitted by the U. S. Senate, as Senators from Virginia. This was the first formal recognition by the National Legislature of the validity of the restored government. The movement was thus gradually gaining a solid basis, which gave encouragement and confidence to its promoters. It was but a short time until "every branch of the restored government was in full operation, with all the fictions of the law and all the positive enactments of the statute books, in full force and effect."

This first session of the General Assembly, was occupied chiefly with matters relating to the military, and providing for the defense of the counties included in its jurisdiction that were within the Federal lines. Its session was uneventful, and it came to a termination on the 26th of the month.

There were three other sessions of the General Assembly of the restored government held at Wheeling before the organization of the new State and the removal of the capital of the restored government to Alexandria. The second of these sessions was the regular semi-annual session, which began on the 2nd day of December, 1861, and continued until the 13th of February, 1862. An extra session was called to meet on the 6th day of May, 1862; and another extra session met on December 4th, 1862, and continued into February, 1863.

No legislation of any special significance was enacted at any

of these sessions except the act giving the consent of Virginia to the formation of a new State out of her territory. But the reorganization of the government had been accomplished; had obtained the recognition of the Federal Government; and the legislative machinery had been put into operation and was supplying all the needs of the restored government.

On the 13th of May, 1862, the General Assembly while sitting in extra session, passed an act giving the formal consent of the Legislature of Virginia to the erection of a new State out of its territory. The following is the full text of the act:

Chap. I.—An ACT giving the consent of the Legislature of Virginia to the formation and erection of a new State within the jurisdiction of this State.

Passed May 13, 1862.

1. Be it enacted by the General Assembly, That the consent of the Legislature of Virginia be, and the same is hereby given to the formation and erection of the State of West Virginia, within the jurisdiction of this State, to include the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Marion, Monongalia, Preston, Taylor, Tyler, Pleasants, Ritchie, Doddridge, Harrison, Wood, Jackson, Wirt, Roane, Calhoun, Gilmer, Barbour, Tucker, Lewis, Braxton, Upshur, Randolph, Mason, Putnam, Kanawha, Clay, Nicholas, Cabell, Wayne, Boone, Logan, Wyoming, Mercer, McDowell, Webster, Pocahontas, Fayette, Raleigh, Greenbrier, Monroe, Pendleton, Hardy, Hampshire and Morgan, according to the boundaries and under the provisions set forth in the Constitution of the said State of West Virginia and the schedule thereto annexed, proposed by the Convention which assembled at Wheeling, on the twenty-sixth day of November, eighteen hundred and sixty-one.

2. Be it further enacted, That the consent of the Legislature of Virginia be, and the same is hereby given, that the counties of Berkeley, Jefferson and Frederick, shall be included in and form part of the State of West Virginia whenever the voters of said counties shall ratify and assent to the said Constitution, at an election held for the purpose, at such time and under such regulations as the commissioners named in the said schedule may prescribe.

3. Be it further enacted, That this act shall be transmitted by

the Executive to the Senators and Representatives of this Commonwealth in Congress, together with a certified original of the said Constitution and schedule, and the said Senators and Representatives are hereby requested to use their endeavors to obtain the consent of Congress to the admission of the State of West Virginia into the Union.

4. This act shall be in force from and after its passage.

CHAPTER X.

LAYING THE FOUNDATION OF A NEW STATE.

The Convention which had adjourned in June, and continued its life by an order to reconvene on the 6th of August, reassembled in Wheeling on the latter date.

It was tacitly understood that the primary object of this second session was the formation of a new State. The adjournment was to afford time to mature the plans, stimulate public sentiment in its favor, and provide for complying with all the formal requirements of law.

In the meantime the scheme had grown in the favor of the people. As the hostility between the Union and secession factions increased, the desire for a separation from the old Commonwealth grew in proportion. This sentiment was reinforced in the Convention by the coming of delegates from the Kanawha Valley which had theretofore been under the dominion of General Wise. They were eager for speedy and radical measures. Thirty-nine counties were now represented in the Convention, sufficient in population and territory to constitute an independent State, and they were quite unanimous in the desire for a separate government of homogeneous people divided by the Alleghenies.

Nevertheless there was conservatism, if not direct opposition, enough among the delegates to make the project move slowly. Even among the leaders the "revolutionary heat had

subsided into a steady glow of legalized opposition." Men were weighing every feature of the project in a careful and statesmanlike manner. They were looking to future results as well as to present gratification. There were not a few who were held by a lingering pride in the old Commonwealth that they could not entirely throw off. They were born Virginians and they were still ambitious to be designated citizens of the proud old State. Mr. Willey had aptly given expression to this feeling by saying that he had no desire to see the old State severed, any more than he would desire to have one of his limbs severed from his body. But if the limb were diseased so that it threatened the life of the body, he would not hesitate to sacrifice the limb for the life of the body. And so, dismemberment seemed to be the only remedy for the condition to which the Commonwealth of Virginia had come through the vicissitude of the times.

There were those, too, who still doubted the expediency of the movement as a matter of public policy, although heartily in sympathy with the motives which prompted it. About this time, Hon. A. F. Ritchie, a delegate from Marion county, gave out a letter which he had received from Hon. Edward Bates, then Attorney General of the United States, in response to a letter by Mr. Ritchie asking his advice upon the matter of forming a new State. The Attorney General's advice was strongly against the measure, and it created much comment. He argued that the formation of a new State out of Virginia would be an original act of revolution, and that to take such a course would be to weaken if not destroy the claims of Western Virginia upon the sympathy and support of the General Government and disconcert the plan for the reorganization of the revolted States and the restoration of the integrity of the Union. He remonstrated against undoing what had already been done and venturing upon a new and hazardous experiment at the moment when dangers and difficulties were thickening about them. There is no doubt that these views were shared by many patriotic men in and out

of the Convention. It was natural that they should feel some hesitancy about a course, the end of which could not be confidently predicted at such a time as this.

But the new State sentiment could not be turned aside or destroyed. The Convention moved straight forward to the accomplishment of that purpose. On the 20th of August, the Convention passed a full and comprehensive ordinance for the formation of a new State. This ordinance is of much historic interest and value, as embodying the details of the complete purpose, and the full text, omitting only formal provisions for taking the vote, is here printed, as follows:

An Ordinance to Provide for the Formation of a New State out of a Portion of the Territory of This State.

Passed August 20, 1861.

Whereas, It is represented to be the desire of the people inhabiting the counties heinafter mentioned, to be separated from this Commonwealth, and to be erected into a separate State, and admitted into the Union of States, and become a member of the Government of the United States:

1. The people of Virginia, by their delegates assembled in Convention at Wheeling, do ordain that a new State, to be called the State of Kanawha, be formed and erected out of the territory included within the following described boundary; beginning on the Tug Fork of Sandy River, on the Kentucky line where the counties of Buchanan and Logan join the same; and running thence with the dividing lines of said counties and the dividing line of the counties of Wyoming and McDowell to the Mercer county line, and with the dividing line of the counties of Mercer and Wyoming to the Raleigh county line; thence with the dividing line of the counties of Raleigh and Mercer, Monroe and Raleigh, Greenbrier and Raleigh, Fayette and Greenbrier, Nicholas and Greenbrier, Webster, Greenbrier and Pocahontas, Randolph and Pocahontas, Randolph and Pendleton, to the southwest corner of Hardy county; thence with the dividing line of the counties of Hardy and Tucker, to the Fairfax Stone; thence with the line dividing the States of Maryland and Virginia, to the Pennsylvania line; thence with the line dividing the States of Pennsylvania and Virginia, to the Ohio river;

thence down said river, and including the same, to the dividing line between Virginia and Kentucky, and with the said line to the beginning; including within the boundaries of the proposed new State the counties of Logan, Wyoming, Raleigh, Fayette, Nicholas, Webster, Randolph, Tucker, Preston, Monongalia, Marion, Taylor, Barbour, Upshur, Harrison, Lewis, Braxton, Clay, Kanawha, Boone, Wayne, Cabell, Putnam, Mason, Jackson, Roane, Calhoun, Wirt, Gilmer, Ritchie, Wood, Pleasants, Tyler, Doddridge, Wetzel, Marshall, Ohio, Brooke and Hancock.

2. All persons qualified to vote within the boundaries aforesaid, and who shall present themselves at the several places of voting within their respective counties, on the fourth Thursday in October next, shall be allowed to vote on the question of the formation of a new State, as hereinbefore proposed; and it shall be the duty of the commissioners conducting the election at the said several places of voting, at the same time, to cause polls to be taken for the election of delegates to a convention to form a Constitution for the government of the proposed State.

3. The Convention hereinbefore provided for may change the boundaries described in the first section of this ordinance, so as to include within the proposed State the counties of Greenbrier and Pocahontas, or either of them, and also the counties of Hampshire, Hardy, Morgan, Berkeley, Jefferson, or either of them, and also such other counties as lie contiguous to the said boundaries, or to the counties named in this section; if the said counties to be added, or either of them, by a majority of the votes given, shall declare their wish to form part of the proposed State, and shall elect delegates to the said Convention, at the elections to be held at the time and in the manner herein provided for.

* * * * * * * *

5. The commissioners conducting the said election in each of said counties shall ascertain, at the same time they ascertain the vote upon the formation of a new State, who has been elected from their county to the Convention, hereinbefore provided for, and shall certify to the secretary of the Commonwealth the name or names of the person or persons elected to the said Convention.

6. It shall be the duty of the Governor, on or before the fifteenth day of November next, to ascertain and by proclamation make known the result of the said vote; and if a majority of the votes given within the boundaries mentioned in the first section of this ordinance, shall be in favor of the formation of a new State,

he shall so state in his said proclamation, and shall call upon said delegates to meet in the city of Wheeling, on the 20th day of November next, and organize themselves into a Convention; and the said Convention shall submit, for ratification or rejection, the Constitution that may be agreed upon by it, to the qualified voters within the proposed State, to be voted upon by the said voters on the fourth Thursday in December next.

7. The county of Ohio shall elect three delegates; the counties of Harrison, Kanawha, Marion, Marshall, Monongalia, Preston and Wood shall each elect two; and the other counties named in the first section of this ordinance, shall each elect one delegate to said Convention, and such other counties as are described in the third section of this ordinance, shall, for every seven thousand of their population, according to the census of 1860, be entitled to one delegate and to one additional delegate for any fraction over thirty-five hundred; but each of said counties shall be entitled to at least one delegate. The said delegates shall receive the same per diem as is now allowed to members of the General Assembly; but no person shall receive pay as a member of the General Assembly and of the Convention at the same time.

8. It shall be the duty of the Governor to lay before the General Assembly, at its next meeting, for their consent according to the Constitution of the United States, the result of the said vote, if it shall be found that a majority of the votes cast be in favor of a new State, and also in favor of the Constitution proposed to said voters for their adoption.

9. The new State shall take upon itself a just proportion of the public debt of the Commonwealth of Virginia prior to the first day of January, 1861, to be ascertained by charging to it all State expenditures within the limits thereof, and a just proportion of the ordinary expenses of the State Government, since any part of said debt was contracted; and deducting therefrom the monies paid into the treasury of the Commonwealth from the counties included within the said new State during the same period. All private rights and interests in lands within the proposed State, derived from the laws of Virginia prior to such separation, shall remain valid and secure under the laws of the proposed State, and shall be determined by the laws now existing in the State of Virginia.

The lands within the proposed State, of non-resident proprietors, shall not in any case be taxed higher than the lands of resi-

dents therein. No grants of lands or land warrants, issued by the proposed State, shall interfere with any warrant issued from the land office of Virginia prior to the 17th day of April last, which shall be located on lands within the proposed State now liable thereto.

10. When the General Assembly shall give its consent to the formation of such new State, it shall forward to the Congress of the United States such consent, together with an official copy of such Constitution, with the request that the said new State may be admitted into the Union of States.

11. The government of the State of Virginia as reorganized by this Convention at its session in June last, shall retain, within the territory of the proposed State, undiminished and unimpaired, all the powers and authority with which it has been vested, until the proposed State shall be admitted into the Union by the Congress of the United States; and nothing in this ordinance contained, or which shall be done in pursuance thereof, shall impair or affect the authority of the said reorganized State Government in any county which shall not be included within the proposed State.

A. I. BOREMAN, President.

G. L. CRANMER, Secretary.

The foregoing ordinance was adopted by a vote of 50 in favor, to 28 against it; or about one-third of the delegates opposing. This vote reveals a very substantial opposition to the measure, but it was not based on any antagonism to the general policy of the Convention in its endeavor to redeem the northwestern section of Virginia from the control of the secessionists. The negative votes were cast by some of the most ardent and influential delegates in the work of reorganization. But their opposition to the new State project was inspired by fears as to its general expediency at that time. They believed, with the Attorney General, that reorganization was good enough, and that position was less vulnerable and more hopeful for success than the plan of cutting loose from the old State. But their opposition was not factious or persistent. When the majority had determined the course of action they joined hands with them in helping it along.

It will be noted that the ordinance provided for taking a

vote on two questions: the first to determine whether the people desired to form a new State, and the second to choose delegates to a Constitutional Convention, which should be authorized to frame a Constitution for the new State, in the event that a majority of the voters were in favor of it. The result of this vote was to be laid before the General Assembly at its next meeting, to obtain the consent of the legislative body required by the Constitution of the United States, if a majority of the votes cast was found to be in favor of a new State; and the Governor was to convene the delegates, by proclamation, to meet at Wheeling on the 26th day of November following, to make a Constitution.

The result of the vote taken in October upon these two propositions was almost unanimous in their favor. The ratio of affirmative votes was much larger than that appearing in the Convention. The ordinance received 18,408 votes for its adoption, and only 781 for its rejection. This was exclusive of the soldier vote, supposed to be about 10,000, which, if it had been taken, would doubtless have been quite unanimous in favor of it.

This expression of popular approval settled the new State question beyond further controversy. It now only became a formal matter of complying with the remaining provisions of the Constitution to consummate the movement. A new Constitution was to be framed, and a Convention for that purpose had already been provided for, and when it had performed its work, it would be submitted to the people for their ratification, and then the formal consent of the restored government, and of the Congress, for the admission of the new State into the Federal Union would complete the work of its projectors.

This Convention had, therefore, completed its mission, and on the next day after adopting the ordinance providing for the formation of the new State, it passed an order to stand adjourned until called by order of the President or Governor; and if not so convened by the first Thursday in January, 1862, to

then stand adjourned *sine die.* The emergency contemplated in this order, which might require reconvening the body, never did arise, and the delegates to this historic Convention separated permanently on the date of their adjournment.

CHAPTER XI.

MAKING A CONSTITUTION FOR THE NEW STATE.

The northwestern counties which were proposing to form a new State, having given their assent by a formal vote, to that proposition, the next step was to make a Constitution for the new State.

The delegates chosen for that purpose assembled in Convention at the city of Wheeling, on the 26th of November, 1861.

All the counties which subsequently entered into the compact were represented in the Convention excepting five or six on the eastern border, which were at that time so far under the domination of the Confederate soldiery as to make it impracticable for them to take a vote, or express a free choice, although it was understood that the sentiment of the people of those counties was in favor of an alliance with the new State movement. Therefore a conditional provision was made by the Convention under which the counties so circumstanced should become a part of the new State when they had an opportunity of voting and had so voted in favor of it. The following forty-four counties became, unconditionally, a part of the new State organization, viz:

Hancock, Marshall, Monongalia, Pleasants, Doddridge, Jackson, Calhoun, Tucker, Upshur, Putnam, Nicholas, Boone, Mercer, Pocahontas, Greenbrier, Brooke, Wetzel, Preston, Tyler, Harrison, Wirt, Gilmer, Lewis, Randolph, Kanawha, Cabell,

Logan, McDowell, Fayette, Monroe, Ohio, Marion, Taylor, Ritchie, Wood, Roane, Barbour, Braxton, Mason, Clay, Wayne, Wyoming, Webster, Raleigh.

The following additional counties were to be included in the organization in case they should adopt the Constitution by a formal vote, viz: The counties of Pendleton, Hardy, Hampshire, Morgan, Berkeley, Jefferson and Frederick.

The first four of these counties voted for and adopted the Constitution in the first instance, at the regular election. The county of Frederick never did vote upon it. The counties of Berkeley and Jefferson did not vote at the time appointed by the Convention for taking the vote, but they subsequently, when their situation permitted it, voted on the Constitution and adopted it by a majority of votes. This vote, however, was not taken until after the new State had been admitted into the Union by act of Congress. This gave rise to a very complicated question upon which opinions were very much divided.

These counties not having complied with the conditions prescribed by the Constitutional Convention, prior to the passage of the Act of Congress, admitting the State of West Virginia, it was held by some that further consent of Congress was necessary to include them in the territory of the new State. By others it was held that the compliance with the conditions provided for by the Constitutional Convention, and which Congress had assented to, rendered it unnecessary for Congress to grant special consent to their incorporation in the new State.

But the former view prevailed in Congress, and a subsequent act was passed by the Thirty-ninth Congress, at its first session, legalizing the transfer of Berkeley and Jefferson counties to the new State. To add to the complications, however, the government of Virginia had, in the meantime, resumed business at Richmond, and the first act of its Legislature, assembled on the first Monday of November, 1865, was to repeal the former act ceding these counties to West Virginia.

This was done before the passage by Congress of the act legalizing the transfer. Now, therefore, it was contended that the consent of the mother State having been withdrawn, these counties could not be legally transferred to the new State and that the act of Congress giving sanction to the transfer was unconstitutional and void. A suit was instituted by Virginia against West Virginia, in the United States Supreme Court, to test this question, which resulted in favor of West Virginia, through a divided Court.

After formal organization the Convention entered upon the work of framing a Constitution for the new State, and was occupied with this work for about two and one-half months. They made many radical changes and additions to the Constitution of the old Commonwealth. Among the most important of these were, first, the change in the antiquated system of *viva voce* voting, and substituting therefor the modern ballot system.

The office of Lieutenant Governor was abolished.

The famous old County Court system, that had constituted a burlesque on judicial procedure from the foundation of Virginia, was superseded by a system of Circuit Courts, supplemented with a limited jurisdiction to Justices of the Peace.

The modern township system took the place of the old district system in the management of county affairs.

The hateful discrimination in the system of taxation, of which the western counties had complained, was abrogated and "equal and uniform" taxation inaugurated.

A prohibition against granting the credit of the State to corporations, or contracting any debt whatever, was wisely incorporated, as a surety against the methods under the old State, by which it had become involved in obligations it could not pay.

It inaugurated a system of public free schools on a magnificent scale, and provided for setting aside a "school fund" by

the State which would insure the adequate support of this system for all future time.

In regard to the State debt of Virginia, it incorporated this specific provision:

> "An equitable proportion of the public debt of the Commonwealth of Virginia, prior to the first day of January, in the year one thousand eight hundred and sixty-one, shall be assumed by this State; and the Legislature shall ascertain the same as soon as may be practicable, and provide for the liquidation thereof, by a sinking fund sufficient to pay the accruing interest and redeem the principal within thirty-four years."

The settlement contemplated by the foregoing provision between the old and new States has not yet been consummated. The Legislature of the new State attempted to carry out the purpose of the Constitution by appointing a commission to go to Richmond and confer with the proper officials, examine the records, and ascertain and agree upon the proper proportion of the debt which West Virginia should assume. But the Richmond government refused to recognize the commission sent by West Virginia, and only an ex-parte investigation and report was made. The Richmond government subsequently, without any conference with the authorities of the new State, voluntarily declared that West Virginia should pay one-third of the total debt of the State, and thereupon issued what were termed "West Virginia Certificates" representing one-third of the debt, and which West Virginia was assumed to be under obligations to pay, but which have never been recognized by the new State, and which it is presumed it will never honor in any form to any amount. These certificates are in the hands of creditors of the old State, accepted in payment of obligations of the old State, under the belief, doubtless, that they would be made good at some future time; but this arbitrary action of the old State

has had the effect of postponing and defeating an amicable settlement between the two governments.

The most exciting question which arose in the Convention was that relating to the position which the new State would take toward negro slavery. Would they ally themselves with the Northern States, abolish slavery outright, and come into the Union a free State; or would they provide for gradual emancipation of the slaves within the new State territory and become a free State at some time in the future; or would they simply ignore the question and let the Constitution be silent on the subject?

Delegates divided along these lines with no little heat and tenacity. The question of slavery was not a dead or indifferent issue even in Western Virginia. There was a sufficient amount of the old Southern sentiment in the Convention in regard to the right and expediency of negro slavery; and, on the other hand, a sufficient amount of the Northern abolition sentiment to make an "irrepressible conflict."

There were included in the population of the forty-eight counties, at that time, 12,771 slaves in a population of 334,921 whites—a very small proportion, it is true, but enough to make the property value an item worth considering to those who owned it, even if they were not wedded to the system. Slavery had never been profitable in these counties, and never could be to the same degree as in the cotton States. The majority of these slaves were used as house servants, and in the work of small farms. The prosperity of the new State was not involved in the controversy. It was more of a moral question, or of political education, among the individual delegates. But it was dogmatic, as the slavery controversy had always been on both sides. It was apparently the only insolvable question that arose during the debates on the Constitution.

The controversy arose on a resolution offered by Mr. Battelle, of Ohio county, as follows:

"Resolved, That at the time when this Constitution is submitted to the qualified voters of the proposed new State, to be voted for or against, an additional section to Article —; in the words following:

"No slave shall be brought, or free person of color, come into this State for permanent residence after this Constitution goes into operation; and all children born of slave mothers after the year 1870, shall be free; the males at the age of twenty-eight, and the females at the age of eighteen; and the children of such females shall be free at birth—

"shall be separately submitted to the qualified voters of the new State for their adoption or rejection; and if a majority of the votes cast for and against said additional section, are in favor of its adoption, shall be made a part of Article —, of this Constitution, and not otherwise."

This was a proposition, it will be observed, looking to gradual emancipation, and a free State as the ultimate end.

There was a motion to lay the proposition on the table, and it is an interesting fact, as showing the sentiment of the Convention, that upon this motion, which virtually involved the merits of the slavery question, the vote was 24 yeas and 23 nays —showing an almost equal division.

It is probable that the division in the Convention was fairly representative of the division among the people. Although the question was disposed of by this vote in the Convention, it would not down. Its agitation was continued among the people in connection with the new Constitution. The opponents of the new State scheme used it to promote opposition to that movement. The abolitionists used it, because it was a bitter disappointment that the Convention had not been pronounced for a free State. And to the real friends of the new State there was a fear that Congress would refuse admission unless an emancipation clause was incorporated in the Constitution.

The friends of gradual emancipation rallied and determined to have an informal expression at the polls notwithstand-

ing the Convention had failed to order it. This plan received an impetus from a public meeting held soon after the adjournument of the Convention, at Buckhannon, in Upshur county, at which the following resolutions were adopted:

"Resolved, That we had hoped and expected that the late Convention to frame a Constitution for the new State, would have given the people a chance to express their sentiments upon the subject of slavery in the proposed new State. And believing, as we do, that a decided majority of the people are in favor of gradual emancipation, we therefore regard the action of said Convention as not reflecting the will of the people.

"Resolved, That we will open a separate poll book for this county, in order to enable the people to express their preferences for and against slavery within the proposed new State, when called upon to vote upon the proposed Constitution; and we earnestly invite our fellow-citizens throughout the proposed new State to open poll books for a like purpose."

This suggestion was followed in many counties—probably one-half of them—but as it was an unofficial proceeding, no very accurate returns of the vote are accessible. However, there are returns reported from some of the counties, which seem to be authentic, which are instructive, as showing a decided sentiment in favor of gradual emancipation. For examples:

	For Const.	Against Const.	For Eman.	Against Eman.
Preston county - - -	1,493	11	1,320	93
Upshur county - - -	719	2	594	13
Monongalia county - -	1,148	17	649	185
Marshall county - -	1,053	34	795	71
Ohio county - - -	1,023	31	875	54
Brooke county - - -	292	45	248	43
Hancock county - - -	225	73	217	44
Cabell county - - -	269	1	244	26

The above returns show, probably, a fair average of the vote in the twenty or more counties where it was taken. The

contemporary comments of the newspapers are the best reflection of the impression made by this vote. For instance, the Wellsburg Herald said editorially:

"The vote seems to have taken everybody by surprise, those friendly to emancipation as well as those opposed to it. * * * The attention of the loyal United States, and doubtless, of the disloyal, has been turned by this vote, upon Western Virginia, and it is felt to be a blow at slavery, and through it at rebellion, from the right quarter, that cripples the rebellion more than the defeat of an army. * * * The vote, be it borne in mind, was taken under most adverse conditions. In many counties no vote was taken, for the reason that parties high in authority did all they could to discountenance it; in others it was not known that such a thing was contemplated; in others the conductors of election did not see fit to trouble themselves with the matter, and no one else conveniently could; at many precincts where numbers of votes were cast for emancipation they were not returned through neglect; so that under the circumstances the aggregate of 6,052 to 610—10 to 1, is fully as large as could reasonably be expected. The vote for the Constitution itself was a meager one * * * but the proportions in the different counties correspond sufficiently to indicate what would have been the result had there been a full and regularly taken poll."

The question now arose as to what use could be made of the vote on emancipation. By many it seemed to be thought that it could be utilized by the Legislature which was shortly to assemble and give its assent to the Constitution, and that body could make amends for the failure of the Convention in this regard. The situation is very fully presented in an editorial article of the Wheeling Intelligencer, commenting on the popular delusion that the Legislature could do what the Convention had failed to do:

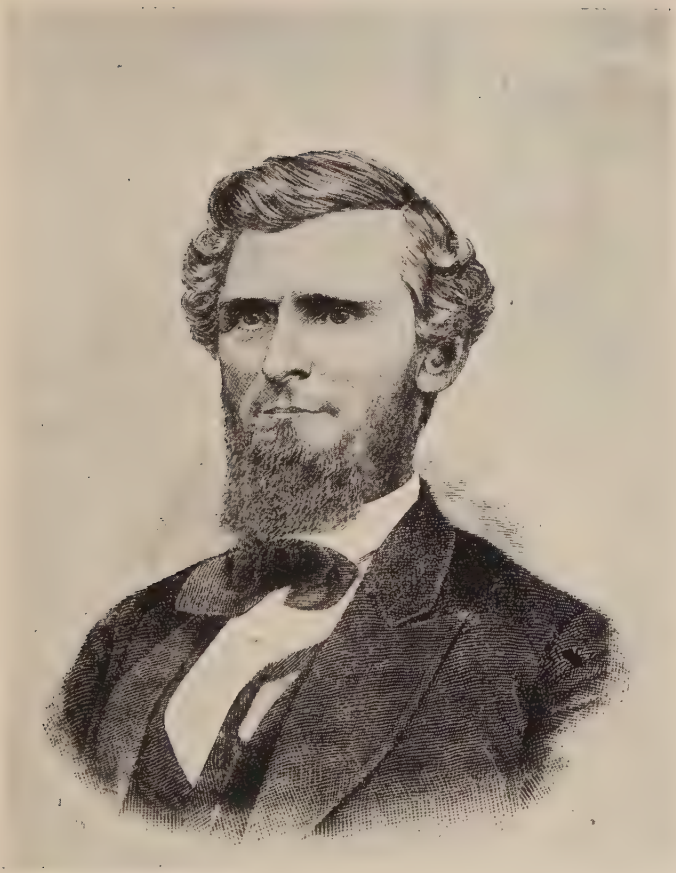
"The Legislature will assemble in this city on the 6th of May coming, and their sole and only business can be, when they get here, to assent or dissent to a division. That body can have nothing to do with the Constitution or any of its provisions or short-

comings, further than the Constitution bears upon the merits and demerits of the division question. The Legislature that meets will be the Legislature of the whole State of Virginia, and it is called simply in pursuance of that article of the Constitution of the United States, which requires the consent of the Legislature of any State previous to a new State being formed out of such State.

"It is a mistake, therefore, to suppose that the omission of the Convention—the great and serious omission which that body made, when it refused to submit the free State clause to a vote of the people—can be remedied by any power short of that Convention, or one similarly constituted. The Constitution as it is, without addition or substraction, must go to Congress, and it will be for that body to say whether or no they will take the will of the people of West Virginia as informally expressed at the recent election, for the deed, and in consideration of it, receive the new State into the Union.

"This is the way the whole question now stands, and we are sorry for it. We did our best to forwarn all whom it could concern, of the predicament in which we now find ourselves. We affirmed what has overwhelmingly proved true, that the new State people of West Virginia were a free State people; that they meant a free State when they voted for a division, and that nothing short of a free State would ever satisfy them, because nothing else would be of any use to them. But we had all sorts of higher and lower influence to fight on this belief, and in an evil hour our free State members of the Convention suffered themselves to be drawn into a blind that completely overslaughed the whole effect.

"The only thing that remains for us now to do, is to seek an admittance from Congress as we stand. We are not entirely without hope that something can be done in that direction. The prospects are not flattering, but we trust that the temper of debate in the Legislature will be such, when comes together, as to brighten them. Much at this crisis in our affairs will depend on the way in which that body acts with reference to the free State question. The members have it in their power to rivet the good effects which the vote of the people has undoubtedly produced on Congress and the loyal States, and they also have it in their power to neutralize that effect by a resurrection in debate of all the old stale pro-slavery cant that was used by such anti-new State and anti-free State people as the Wheeling Press before the recent election.



Arthur Ingraham Boreman.

"We hope for the best from the meeting of the Legislature. We hope for a short session and a harmonious one. Brevity and unanimity are what are wanted. Let us go to Congress with all the propitiating influence we can. We need it all."

"The Constitution, as framed by the Convention, was submitted to the people of the counties embraced within the proposed new State, on the 3d day of April, 1862, and resulted in its adoption by a vote of 18,862 in its favor and 514 against it. The Legislature of the reorganized government of Virginia, assembled on the 6th of May following, and gave its formal assent to the formation and erection of the State of West Virginia within the jurisdiction of the State of Virginia, according to the stipulations and provisions of the Constitution" which was laid before them by the Governor, as having been adopted by the people. The act of the Legislature was ordered to be transmitted to the Senators and Representatives in Congress, together with a copy of the Constitution, with the request that they use their endeavors to obtain the consent of Congress to the admission of West Virginia into the Union.

CHAPTER XII.

THE NEW STATE ISSUE IN CONGRESS.

On the 29th of May, 1862, Senator Waitman T. Willey, who in connection with Senator John S. Carlile, represented the restored government of Virginia in the U. S. Senate, presented to the Senate the application for the formation of a new State, the act of the Legislature of Virginia giving its assent thereto, a copy of the Constitution adopted by that portion of Virginia which proposed to erect a new State, and a certified copy of the returns of the vote in each county upon the adoption of that Constitution.

Mr. Willey accompanied the application with an address in which he recited the conditions which had prompted the movement, the several steps which had been taken by the loyal counties to save Virginia from secession from the Union, and then presented some reasons why Congress should grant this appeal for an independent State. The following are the five reasons which Mr. Willey urged in support of the application:

First. Let us consider the population. I have prepared the following table showing the white and slave population in each of the forty-eight counties of the proposed new State, and also the per cent. of slave population in each county, according to the census of 1860.

Counties.	White population.	Slaves.	Per cent. of slaves.
1. Hancock	4,442	2	0.0
2. Brooke	5,425	18	0.3
3. Ohio	22,196	100	0.4
4. Marshall	12,936	29	0.2
5. Wetzel	6,691	10	0.1
6. Pleasants	2,926	15	0.5
7. Wood	10,791	176	1.6
8. Jackson	8,240	55	0.7
9. Mason	8,752	386	7.2
10. Cabell	7,691	305	3.8
11. Wayne	6,604	143	2.1
12. Logan	4,789	148	3.0
13. Boone	4,681	158	3.3
14. Kanawha	13,787	2,184	13.7
15. Roane	5,309	72	1.3
16. Wirt	3,728	23	0.6
17. Ritchie	6,809	38	0.6
18. Doddridge	5,168	34	0.7
19. Tyler	6,488	18	0.3
20. Harrison	13,185	582	4.2
21. Marion	12,656	63	0.5
22. Monongalia	12,907	101	0.8
23. Preston	13,183	67	0.5
24. Taylor	7,300	112	1.5
25. Barbour	8,729	95	1.1
26. Lewis	7,736	230	2.9
27. Gilmer	3,685	52	1.4
28. Calhoun	2,492	9	0.4
29. Braxton	4,885	104	2.1
30. Clay	1,761	21	1.2
31. Nicholas	4,470	154	3.3
32. Fayette	5,716	271	4.5
33. Raliegh	3,291	57	1.7
34. Wyoming	2,797	64	2.2
35. McDowell	1,535	.....	0.0
36. Mercer	6,428	862	5.3
37. Monroe	9,526	1,114	10.5
38. Greenbrier	10,499	1,525	12.7

39. Pocahontas - - -	3,686	252	6.4
40. Webster - - -	1,552	3	0.2
41. Upshur - - -	7,064	212	2.9
42. Randolph - - -	4,793	183	3.7
43. Tucker - - -	1,396	20	1.4
44. Putnam - -	5,708	580	9.2
45. Pendleton - - -	5,873	244	4.0
46. Hardy - - -	8,521	1,073	11.2
47. Hampshire - - -	12,481	1,213	8.9
48. Morgan - - -	3,613	94	2.5
Totals - - - -	334,921	12,771	

Thus, in 1860, the aggregate white population was three hundred and thirty-four thousand nine hundred and twenty-one; and the aggregate slave population was twelve thousand seven hundred and seventy-one. It is but fair to say that, in consequence of the ravages of war, the number of white inhabitants has, perhaps, not increased since the taking of the census; and the number of the slaves has, doubtless, diminished two or three thousand. Thus also it will be seen that the per cent. of slaves in 1860 was only about four per cent., and certainly does not now amount to three per cent. We have, therefore, the requisite number of inhabitants.

Secondly. I respectfully solicit the attention of Senators to the geographical position of the proposed new State. Look at the map. Observe how this territory lies, like a wedge driven in between the State of Ohio on one side, and the States of Pennsylvania and Maryland on the other, and is completely cut off from all convenient intercourse with East Virginia by the Allegheny mountains, the sky-kissing summits of which are proposed as the eastern boundary of the new State. How is it possible to identify these two sections of the State of Virginia in a common State policy, or system of internal improvements, or economical interests? You have only to examine the geography of the State to see that this is impracticable. It never has been done. It cannot be done. Hence the revenues of the State heretofore, with slight exceptions, have all been expended in the construction of lines of improvement avoiding those impassable mountain barriers, and leading to the south and southwest in directions which have not only not benefited the northwest section of the State—that part contained in the new State—but have, indirectly, operated to its serious disadvantage.

This sectional appropriation of the State's revenues has long been inveighed against as unfriendly and unjust, and has engendered bitter sectional animosity between the counties lying east and those lying west of the Alleghanies. But, perhaps it might be more charitable to attribute this policy to an absolute necessity growing out of the utter impracticability of constructing any improvement connecting the two sections of the State.

Third. This application for admission as a new State is predicated on considerations of industrial and commercial necessity. The people living within the limits of the projected new State never had, and never can have, any trade or commerce with Eastern Virginia. There is no means of getting back and forth between the two sections by any direct and convenient way. There never has been; there never can be. The impediments are insuperable. Trans-Alleghany sells nothing to cis-Alleghany; and vice versa. The traffic and commerce between the two sections have not amounted to fifty thousand dollars in the last twenty years. The natural and best markets of West Virginia are Baltimore, Pittsburg, Cincinnati, &c. If Eastern Virginia were willing to do so, she has not the ability to push her railways and other means of transportation and travel into the northwest; and if she had both the will and the ability, all such improvements in Virginia could only carry the trade and staples of West Virginia beyond better and nearer markets.

Fourth. The difference of social institutions and habits of the people indicate the propriety of this division of the State. The existence of negro slavery is said, and I think correctly, by its friends, and by those who own slaves and yet are not its friends, to require a system of laws and municipal regulations adapted to the peculiar necessities and relations necessarily growing out of that institution. But slavery never can exist to any considerable extent in the territory proposed to be embraced in the new State. It never has flourished there. It never can. The inexorable laws of climate forbid it. The staple commodities of the country are not such as in the production of them slave labor is valuable. Why, then, should West Virginia be forever subjected to a system of laws and policy adapted to, and indeed necessary for, a state of society and a class of interests fundamentally different from theirs, and embarrassing their progress in almost every department of life? Why should the labor of the white man of the West be compelled

to be regulated by the policy adapted to the slave labor of the East?

In making these remarks, I have no reference to the moral aspects of the slavery question. I do not wish in this connection to be entangled in the mazes of argument with which moralists and religionists have surrounded and involved the question of slavery. In this respect my opinions are maturely formed. I have heretofore expressed them in the Senate. I am now only referring to slavery and the new State in the light of a wise and judicious political economy. Homogeneousness of interests, pursuits, and social institutions is essential to the harmony and prosperity of every political community. Hence, the utility and wisdom of our separate State organizations, exercising municipal authority within their respective limits, and adapting their policy to the peculiarities of soil, climate, markets, social habits, and education existing within those limits. Our national Union, embracng such a variety and extent of all these peculiarities, has found, and must continue to find, the surest guarantee of its perpetuity, in the perfect freedom with which each State in it regulates its own institutions and policy, in conformity with local exigencies and interests peculiar to each State. Now, sir, look at this fact. The total number of slaves in Virginia, at the last census, was four hundred and ninety thousand eight hundred and eighty-seven. Of these, as I have already stated, there were only twelve thousand seven hundred and seventy-one—now not more than nine or ten thousand—within the boundary of the proposed new State, although those boundaries include a full third of all the territory of the State of Virginia. If it were desirable, yet it is utterly impossible, that the number of slaves in Western Virginia should increase. During the last decade, which may be said to be the era of slavery propagandism, the number of slaves in the forty-four counties composing the territory asking admission in the Union as a new State actually decreased more than two thousand. There was a decrease of slaves in nearly all, if not in every one, of these counties. As I have said, the geographical position, the climate, the soil, the staple productions, the demands of labor, the habits and pursuits, and I may as well add, the moral and religious sentiments of the people, forbid its existence there. The country is mainly adapted to the growth of cereals, to grazing, and to manufacturing. Hence slave labor cannot be profitable there; and for this, if for no other reason, it will never be in demand. Besides, the extended border of free territory, from the Kentucky line to the

upper end of Hancock county, and thence back again on the other side of the State to the State of Maryland, makes it impossible to prevent the escape of any adult slave who wishes to escape.

Mr. President, in view of these considerations, I think I am authorized to say that the division of the State of Virginia asked for is a physical, a political, a social, an industrial and commercial necessity. It is necessary for the preservation of harmonious and fraternal relations between the eastern and western sections of the State. It is indispensable to the development of the great natural resources of West Virginia, and to the prosperity and happiness of its inhabitants. And now, sir,

Fifth and lastly. A few words in relation to the resources of the new State. Its area will be at least respectable—greater than very many of the other States of the Union. It will contain about twenty-four thousand square miles. It will embrace immense mineral wealth. It will include water-power more than sufficient to drive all the machinery of New England. It contains the finest forests of timber on the continent. It includes the Great Kanawha salines and the Little Kanawha oil wells. It abounds in iron ore; and its coal fields are sufficient to supply the consumption of the entire Union for a thousand years. Much of it is well adapted to the production of cereals and all of it is unrivaled for the growth of grass and for grazing. The assessed value of lands and lots in the forty-eight counties of the new State was, in 1859, $71,780,202. I have prepared a table from the report of the auditor of public accounts of Virginia for that year, not having access to one of a more recent date, which I have here, showing this fact—also showing that the taxes assessed for that year in these counties amounted to the sum of $549,565 87.

	Assessed value of lands, 1859.	Assessed value of lots, 1859.	Aggregate tax on all subjects, 1859.
1. Barbour	$ 1,404,365 00	$ 36,212 50	$ 10,739 10
2. Boone	485,837 50	.....	4,040 22
3. Braxton	981,515 00	21,712 50	6,895 90
4. Brooke	1,004,540 00	156,340 00	8,830 03
5. Cabell	1,900,367 50	112,507 50	14,050 44

6. Calhoun	341,010 00	300 00	2,150 60
7. Clay	209,742 50	.....	1,351 50
8. Doddridge	737,885 00	17,780 00	4,496 32
9. Fayette	845,795 00	.....	6,682 98
10. Gilmer	737,575 00	21,065 00	4,587 45
11. Greenbrier	3,239,862 50	237,651 00	28,662 74
12. Hancock	835,545 00	60,197 50	5,967 85
13. Harrison	3,527,047 50	289,985 00	26,339 69
14. Jackson	1,521,287 50	82,435 00	10,155 98
15. Kanawha	3,242,414 00	364,230 00	25,827 92
16. Lewis	1,299,752 59	101,910 00	10,074 07
17. Logan	343,660 00	10,900 00	3,360 45
18. Marion	2,505,505 00	229,047 50	18,956 80
19. Marshall	2,144,790 00	165,325 00	14,388 68
20. Mason	2,511,880 00	239,695 00	18,892 00
21. McDowell	163,585 00	.....	970 10
22. Mercer	667,342 00	14,825 00	5,915 35
23. Monongalia	2,785,775 00	253,910 00	21,211 61
24. Monroe	4,046,655 00	110,907 50	27,680 59
25. Nicholas	896,085 00	13,985 00	6,286 24
26. Ohio	1,664,587 50	3,375,755 00	43,562 75
27. Pleasants	582,282 50	19,290 00	3,940 95
28. Pocahontas	1,177,490 00	8,725 00	8,013 56
29. Preston	1,565,997 00	102,012 50	14,252 13
30. Putnam	1,023,650 00	60,627 50	8,600 64
31, Raleigh	506,040 00	9,795 00	3,712 21
32. Randolph	1,407,252 50	31,385 00	8,753 32
33. Ritchie	1,223,347 50	18,550 00	7,642 86
34. Roane	617,637 50	15,510 00	4,573 07
35. Taylor	1,112,587 50	134,505 00	9,755 61
36. Tucker	378,745 00	.....	2,147 18
37. Tyler	851,840 00	58,977 50	6,721 24
38. Upshur	1,235,879 50	45,720 00	8,583 82
39. Wayne	1,003,015 00	24,105 00	7,402 27
40. Wetzel,	829,687 50	32,747 50	6,036 41
41. Wirt	483,105 00	31,560 00	3,411 71
42. Wood	1,862,952 50	653,812 50	20,684 65
43. Wyoming	359,107 50	6,100 00	2,473 31
44. Pendleton	1,062,157 50	28,610 00	8,622 70
45. Hardy	2,843,967 50	104,765 00	20,128 07

46. Hampshire - -	3,480,287 50	255,257 50	26,253 93
47. Morgan - - -	649,765 00	83,957 00	5,901 11
48. Webster* - -	.....	.....	.....
Total - - -	$64,186,373 00	$ 7,593,829 00	$549,565 87
Assessed value of lands - - -	.....	64,186,373 00	
Total value of lands and lots - - -	.....	$71,780,202 00	

* This county has been made since 1859, but its lands and lots are included in the above counties, out of which it was formed.

Sir, these counties of Western Virginia, knocking for admission into the Union as a new State, contain, in rich abundance, all the elements of a great commonwealth. Why have they remained undeveloped in the oldest State in the American Union? Why are our mines unworked? Why are our water-falls forever wasting away, unappreciated by the skill of man, chafing and foaming in their channels, as if in conscious rage at the long neglect? The answer to these questions is an irrefutable argument in favor of the division desired. Unless the State is divided, these natural resources of wealth and power will remain forever undeveloped. Is this just to the people there? Is it just to the country at large?

Thus, sir, we present our claims for this new State. We pray you to grant your assent. It will send a thrill of joy through three hundred thousand hearts, and it will do no injustice to any. Then, sir, will our invaluable virgin mines invite the espousal of your surplus capital, and our perennial streams will lend their exhaustless power to your manufacturing skill. Then shall we soon be able to say, in the jubilant language of the Psalmist: "The pastures are clothed with flocks; the valleys also are covered over with corn; they shout for joy; they also sing." Virginia—East Virginia, restored from her temporary aberration; West Virginia, like a newly discovered star—East Virginia and West Virginia, twin stars, shall thenceforth shine with ever-bringhtening lustre in the republican zodiac of States encircling our western hemisphere.

This application for a new State was referred to the Territorial Committee, of which Senator Benjamin Wade, of Ohio, was chairman, and of which Senator Carlile was a member.

This committee, after much apparent difficulty in agreeing upon the terms of a bill, reported on the 23d of June Senate bill No. 365, which contained the usual specifications, and some unusual conditions, upon which the consent of Congress would be granted to the admission of the proposed new State.

The conditions incorporated in the bill were two, one relating to additional territory, including, in addition to the counties enumerated in the Constitution, the counties of Clark, Frederick, Warren, Page, Shenandoah, Rockingham, Augusta, Highland, Bath, Rockbridge, Botetourt, Craig and Allegheny. The other condition related to salvery, and provided that the Constitution make provision that from and after the 4th day of July, 1863, the children of all slaves born within the limits of the State shall be free.

Why or how it came about that the bill reported by this committee proposed to incorporate a number of other counties than those proposed by the projectors, is somewhat of a mystery, and is probably not definitely or certainly known outside of that committee. But it was quickly interpreted as the work of an enemy of the new State project, because the consent of these additional counties had not and could not be obtained to become a part of the new State. Most, if not all of them, were in possession and under control of the Richmond government, and reckoned a part of the Southern Confederacy.

It was very discouraging, therefore, to the people of Western Virginia to find that such a condition was made in the reported bill. Many lost hope and abandoned the effort to obtain the consent of Congress, knowing that its consent, coupled with such a condition, was a virtual defeat of the movement.

However, this territorial condition did not subsequently give much trouble, as it found no sponsor in open Senate when it came to be considered, and was easily eliminated. But it was around the question of slavery that the great fight was made, and this it will be interesting and profitable to follow in

its various stages until it came back again to the people of Western Virginia, and the new State finally became practically a free State by popular vote.

It will be remembered that the Constitution adopted by the Convention which framed it, and forwarded it to Congress, was silent on the subject of slavery. The Convention had voted down a proposition to insert a clause for gradual emancipation, or submit it to a vote of the people, although an informal vote was taken in some of the counties. But there were twelve thousand negro slaves in these counties out of which the new State was to be formed. If these counties were admitted as a new State, with no provision for the emancipation of the slaves, it would continue to be slave territory. Therefore, as had been anticipated, Congress was not disposed to admit another slave State, unless provision was made for making it a free State in the near future.

The Committee reported the bill with a condition requiring gradual emancipation. Mr. Sumner, of Massachusetts, offered in lieu of this condition, the "Jeffersonian condition," that "within the limits of the said State there shall be neither slavery nor involuntary servitude, otherwise than in punishment of crime whereof the party shall be duly convicted."

This amendment was rejected by a vote of 24 to 11. The Senate would readily have adopted this provision, making it absolutely a free State, but for the fact that so radical a condition would have defeated the admission of the State. Some of the interests involved would have been weaned from the measure and combined to defeat it.

At this stage Mr. Willey offered an amendment, leaving out all the additional Counties that had been named in the bill reported by the Committee, providing for gradual emancipation, and also for re-convening the Convention for the purpose of adopting the new condition. The full text of Mr. Willey's amendment is as follows:

"West Virginia is hereby admitted into the Union on an equal footing with the original States in all respects whatever, and upon the fundamental condition that from and after the 4th day of July, 1863, the children of all slaves born within the limits of said State shall be free, and that no law shall be passed by said State by which any citizen of either of the States in this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States.

"Provided, That the Convention that ordained the Constitution as aforesaid, to be reconvened in the manner prescribed in the schedule thereto annexed, shall by a solemn public ordinance declare the assent of the said State to the said fundamental condition. and shall transmit to the President of the United States on or before the 15th day of November, 1862, an authentic copy of said ordinance, upon the receipt whereof the President by proclamation shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of said State into this Union shall be considered as complete."

To the foregoing proposition Mr. Wade offered an amendment that "all slaves within the said State who shall at the time aforesaid be under 21 years of age, shall be free when they arrive at the age of 21." After some debate this amendment to Mr. Willey's amendment was adopted.

This virtually settled the feature of the bill relating to slavery so far as the Senate was concerned. The Willey amendment had been offered as at once a concession to and an expression of the sentiment of the Senate on that subject, and with the addition of the Wade amendment, all cause of opposition from the majority of the Senate had been met, and it was understood that the issue on the slave question was out of the way.

But to understand the controversy that followed before the passage of the bill it will be necessary to note that all the subsequent obstructions, delay and difficulty in reaching a final and favorable vote on the bill, were interposed by a quasi friend of

the new State, in no less a person than that of Senator Carlile, Mr. Willey's colleague in the Senate, and one of the Senators to whom this new state measure had been specially committed by its friends; who had been one of the chief pioneers and apologists of the project; who had, from the very beginning, urged and argued for the separation from the old State; who was so impatient for its accomplishment in the State Convention that he could not wait on the slow forms of law; and who now was looked upon not only by his people at home, but by his colleagues in the Senate, as the earnest, able, and irrepressible patron of the movement—even Senator Carlile, was about to unmask and disclose the "wolf in sheep's clothing."

This deflection of Senator Carlile makes one of the most mysterious chapters in the history of the contest for a new State. No explanation of this change of heart was ever offered by him. In fact no open avowal of his unfriendly purpose was made, but his opposition was of that dangerous kind which is made in the guise of a friend. His constituents, as well as his fellow Senators, were slow to interpret his real attitude. It is probable that he entertained a purpose to defeat the bill much earlier than the discovery, or even suspicion, of his real purpose. The bill, which was reported by the Committee on Territories, is not susceptible of any other explanation than that an astute enemy of a new State had framed some of its provisions. Senator Wade said in open Senate that the bill did not receive the endorsement of the Committee, but was reported simply as a basis of agreement. Mr. Carlile was a member of that Committee. Who else than he would have incorporated in the bill a number of the valley counties which were then in rebellion, as a part of the new State? Who better than he knew that these counties would not voluntarily go with the new State? What more effective and deadly provision could have been put in the bill to kill the new State project, even if Congress had given its consent?

But nobody, at this stage, accused Mr. Carlile, even if they suspected it, of being unfriendly to the new State. His attitude was one of gradual unfolding. When Mr. Willey offered his amendment, which, in part, referred the Constitution back to the Convention which framed it to incorporate the provision relating to slavery, Mr. Carlile now came forward with an amendment, requiring that the amended Constitution should be "submitted to a vote of the people in said State of West Virginia, and be ratified by a vote of the majority of the people thereof."

This could hardly be regarded as the proposition of a friend of the new State. Mr. Willey's reply to it, in part, was:

"This amendment of my colleague seems to me a very extraordinary one. A vote of the majority of the people is a very extraordinary sort of vote. It is not unusual, I believe, when you submit a thing, that a majority of the people shall be required, men, women, and children, and negroes themselves, for I suppose they are called people. But I object to it on other grounds, and I will state the grounds of the objection. The people of Northwestern Virginia have been very much harassed. They have had difficulties of a diverse character in this reorganization of the State. A great many elections have been held. In appointing the Convention which ordained this Constitution, and in reassembling the Legislature to give their assent to it, they have incurred a great deal of expense and a great deal of delay, and they are not in a condition to incur much more, unless it be absolutely necessary. The operation of the amendment of my colleague would be to have not only a new Convention, assenting to this fundamental proposition, but sending it back to the people, imposing on the people the very considerable cost as well as the trouble of a new election. To avoid that, and to provide for any incident which might arise in the prosecution of their object, the Convention which ordained the Constitution now before Congress, wisely, as I think—and especially does it appear to be wise in the light of the amendment of my colleague—refused to dissolve the Convention, but by express stipulation in a schedule adopted by them, appointed certain commissioners who were authorized to reassemble the Convention upon any occasion necessary;

and by looking to the second section of the schedule annexed to the Constitution, as printed and laid before the Senate, the Senate will see who the commissioners are who have been appointed, and on turning to the eleventh section of the schedule it will appear 'that the commissioners hereby appointed shall have power, if it become necessary, to reconvene the members of this Convention on such day as they may prescribe,' so that the Convention is still in existence, still a legal body, and it has provided for its own reassembling."

But Mr. Carlile, whatever may have been his ulterior purpose, insisted with some plausibility, that the matter involved the property rights and social institutions of the people of the new State and they ought to have a chance to vote on it.

Senator Pomeroy, of Kansas, was the first to characterize this attitude of Mr. Carlile. He said:

"I simply wish to say, in a single word, that if this amendment of the Senator's is adopted, or even if there is a prolonged discussion upon it, the simple effect will be to put off the measure for this session. If the Senator himself is not in favor of the admission of Western Virginia, he need not expect others to be; and if the people of Western Virginia do not send Senators here who are in favor of this measure, they certainly cannot expect to get it through."

Mr. Carlisle. I do not think there has been anything that I have said or done to justify the remark of the Senator from Kansas. As I stated in the outset, I am in favor of the admission of West Virginia, if you admit her under the Constitution which she has brought here; but you refuse that, and seek to impose conditions upon her people changing radically the fundamental law as they had adopted it, and deny to them even an opportunity to say whether or not your terms are acceptable to them. The Senator from Kansas is in favor of the admission of West Virginia upon certain conditions. He proposes to admit West Virginia with such a Constitution as he shall prescribe for the government of her people. I propose to admit her with the Constitution she has formed for her own government. I am in favor of her admission without conditions upon the precise terms that she asks.

Mr. Pomeroy. The amendment that has been proposed will

allow the State of West Virginia to come into the Union spedily by the action of the Convention. I supposed that these people were anxious for immediate action. It has been so represented to the Commmittee. As the chairman has very well stated this morning, we acted on the idea that immediate action was called for in this matter. If the Senator from Virginia himself, representing that State, takes the responsibility of proposing an amendment which delays the matter for another year, he alone is responsible for the effect of that vote. We are for admitting the State, and providing that the Convention may accept or reject the proposition immediately, and come into the Union."

Mr. Carlile proceeded to argue that the Convention which framed the Constitution was not a full or fairly representative body of the people, and that, therefore, it was right that the people should have an opportunity of passing upon these fundamental propositions at the polls.

To this Senator Wade replied:

"I certainly did not intend to take any time in debating this bill; but the very extraordinary course the Senator from Virginia has seen fit to take has so entirely disappointed me that I almost owe an apology to the Senate itself for urging this measure with the zeal that I did upon its consideration this morning. I did so at the request of some of the best men of that State, not only one but many, almost supplicating that we should take it up and get through with it to-day. When I saw a Senator from the State itself rise, so evidently with no other purpose than to talk against time, and thus to defeat the bill, I was disappointed beyond measure. We have had a new proposition, a long argument, and a recurrence to old speeches that had been made on former occasions, that must be read here, all coming from a man pretending to be a friend of this proposition. Any man knows that if anything was calculated under these circumstances to defeat this measure, it was precisely the course he has seen fit to take with it; he tells us that he is still in some shape a friend to it, but what has been the purport of his speech, except to shake the confidence of the Senate itself in the Constitutional Convention that framed the Constitution which we have been asked to ratify? He has gone back of their

appointment; he has not only undertaken to find fault with what they have done, but he has undertaken to say that they were not really organized to do anything; and it is the first I have heard of any such thing. We have sat in Committee with that gentleman; we have heard his arguments and illustrations on this subject; we have had many men of the proposed State before us, in council with us upon it; and here for the first time to-day we hear that the Convention who framed this Constitution really did not represent the people whom they professed to represent! After all the discussions in Committee and out of Committee and in the Senate, to-day, for the first time we hear a deliberate, premeditated attack upon the Convention that framed this Constitution. I do not believe that the people of West Virginia expected any such argument from that quarter. I do not believe they would have implored me almost to use what influence I might have to bring this matter before Congress at this late period of the session, if they believed that one of their own representatives was to rise here and talk by the hour to endeavor to shake the confidence of the Senate in the competency of the Convention that had framed their Constitution. Sir, there is something wrong in this matter. I do not profess to know where it is, but it is unusual; it is not what we have heard before. It takes us all by surprise, and it jeopardizes the measure. I hope that from the perversity of any man, the people of Western Virginia, who are worthy of our favor, will not cease to receive it because one of their own number takes a very different view of this subject from what we expected he would take."

It was evident that Mr. Carlile's opposition to the bill was having its effect on the Senate, and in view of the division existing on other questions, the objection raised by him seemed to imperil its passage. At this point Mr. Willey yielded the point relating to a vote to be taken by the people, and offered a substitute for the pending proposition the bill that had been offered in the House on this same measure and which provided for submitting the amended Constitution to a vote of the people. Mr. Willey said:

"It is with inexpressible pain that I have taken the position in

regard to my colleague that I have. I have determined, however, not to discuss the matter, but I have the bill here offered by my colleague in the other House, [Mr. W. G. Brown,] modified so as to cover this state of things here, which, if it will suit the chairman of the Committee, and the members of the Committee and my colleague here, will be acceptable to me as another compromise under the circumstances.

* * * * * * * *

"I am willing to go one step further, and do that for the sake of peace and harmony, and I do it with this view especially. I am sorry to believe that—my colleague will take no offense, I hope, when I say it—the extraordinary speech he has made will be an additional firebrand cast into our midst. I am a man of peace. I know that the almost universal sentiment of that people is for division. I know there is not a loyal man in Northwestern Virginia, whether represented in the Convention or not, who is not this day life and soul for a division of the State. To prevent discord, to compose strife, I am willing, as a peace offering here upon this floor, and with a view of preventing distraction in our midst, to submit this proposition, if it will satisfy my colleague. It embraces essentially his proposition, and I hope the Senate will be willing to take it under the circumstances. It will put us to some expense; it will put us to a good deal of unnecessary trouble in taking the sense of a people who have but one opinion and one view on the subject; but in order to prevent discord and preserve peace, I am willing, if the Senate be willing, and my friends on the Committee, to whom I am under lasting obligations, are willing to accept it."

Those who had opposed the admission of the new State on other grounds than the slavery question now began to take advantage of the situation and to rally to the support of Mr. Carlile. The session of Congress was nearing its close. A day had been set for adjournment. Senator Trumbull, who was opposed to the bill, moved its postponement until the next session of Congress. Mr. Carlile came immediately to the support of this motion as one fatal to the bill. Mr. Willey said that he hoped he should have the co-operation of his colleague after conceding all he asked in regard to taking a vote of the people.

But, said he, my colleague "from point to point, and from step to step, misrepresented three-fourths of the loyal people of Virginia on this floor. He misrepresents the will of the Legislature that sent him here, with scarcely a dissenting voice; and he interposes an objection to-day which is calculated and designed to thwart this whole movement."

At this point Senator Wade came to the rescue in his most caustic fashion. He said:

"Gentlemen say that I have said enough. I suppose I have, and am not going to say much more. Gentlemen ought not to admonish me much, for I believe I never make long speeches. This is a very easy way for us to rid ourselves of this question, but it will not be satisfactory to those who feel such a vital interest in it as the people of West Virginia, who have sent their population here almost en masse to urge it upon this Congress to pass this measure and relieve them from the alarm that they are under in consequence of the uncertainty that they may be left in the hands of their enemies. That there is to be a separation is a foregone conclusion, and no man has urged it upon the Committee more strongly than the Senator who now opposes immediate action, [Mr. Carlile.] He, of all the men in the Committee, is the man who penned all these bills and drew them up. He is the man who has investigated all the precedents to see how far you could go in this direction. It was to his lucid mind that we were indebted for the fact that there were no legal or constitutional barriers in the way of this proposition. He submitted to the labor; he did it cheerfully; he did it backed by the best men of his State and section, and what did they say? They said, "we cannot live any longer with Eastern Virginia. Independent of the great controversy that has sprung up in the nation, we have a controversy of old standing that renders our connection with Eastern Virginia absolutely impossible.' He is the gentleman who impressed their opinions upon the Committee as strongly as anybody else, and what change has come over the spirit of his dream I know not. His conversion is greater than that of St. Paul. He has persuaded us that the measure was right; he has appeared side by side with his able Governor, who urged this upon us as a measure vital to the interests of the State that he represents. All at once, after persuading us to bring the question before Congress, and

when we expected his powerful aid to help us to push it through, we are brought up all standing by his powerful opposition. Why did he write, why did he investigate, why did he persuade us that there was scarcely a dissenting voice in all that part of Virginia, if now he has discovered that it is all wrong? Why did he resort to books, why did he go back to the old Missouri compromise, and discover there the steps that were taken to initiate that State? Why did he go back to the Rhode Island case, and to other cases, and point them out to us? No gentleman urged the measure upon us more strongly than he, in connection with his distinguished associates, he acting as their chief and their spokesman, and yet all at once, when we become earnest and see that the people want this done, we have to encounter his violent, determined, persistent opposition. Sir, it is sheer trifling."

The vote being taken on the motion to postpone consideration of the bill until the next session of Congress, it was defeated by a vote of 17 for to 23 against—Mr. Carlile voting for the motion.

The bill was then put upon its passage, and by the same vote, and the same division of individual Senators, as recorded on the motion to postpone, the bill admitting West Virginia as a State was, on the 14th day of July, 1862, adopted by the Senate of the United States.

The full text of the bill as it passed the Senate and afterward the House, containing the new conditions upon which admission depended, here follows:

An Act for the Admission of the State of West Virginia into the Union, and for other purposes.

Whereas the people inhabiting that portion of Virginia known as West Virginia did, by a Convention assembled in the City of Wheeling on the twenty-sixth of November, eighteen hundred and sixty-one, frame for themselves a Constitution with a view of becoming a separate and independent State; and whereas at a general election held in the counties composing the territory aforesaid on the third day of May last, the said Constitution was approved and adopted by the qualified voters of the proposed State; and whereas

the Legislature of Virginia, by an act passed on the thirteenth day of May, eighteen hundred and sixty-two, did give its consent to the formation of a new State within the jurisdiction of the said State of Virginia, to be known by the name of West Virginia, and to embrace the following named counties, to wit: Hancock, Brooke, Ohio, Marshall, Wetzel, Marion, Monongalia, Preston, Taylor, Tyler, Pleasants, Ritchie, Doddridge, Harrison, Wood, Jackson, Wirt, Roane, Calhoun, Gilmer, Barbour, Tucker, Lewis, Braxton, Upshur, Randolph, Mason, Putnam, Kanawha, Clay, Nicholas, Cabell, Wayne, Boone, Logan, Wyoming, Mercer, McDowell, Webster, Pocahontas, Fayette, Raleigh, Greenbrier, Monroe, Pendleton, Hardy, Hampshire, and Morgan; and whereas both the Convention and the Legislature aforesaid have requested that the new State should be admitted into the Union, and the Constitution aforesaid being republican in form, Congress doth hereby consent that the said forty-eight counties may be formed into a separate and independent State: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of West Virginia be, and is hereby, declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever, and until the next general census shall be entitled to three members in the House of Representatives of the United States: Provided always, That this act shall not take effect until after the proclamation of the President of the United States hereinafter provided for.

It being represented to Congress that since the Convention of the twenty-sixth of November, eighteen hundred and sixty-one, that framed and proposed the Constitution for the said State of West Virginia, the people thereof have expressed a wish to change the seventh section of the eleventh article of said Constitution by striking out the same and inserting the following in its place, namely:

"The children of slaves born within the limits of this State after the fourth day of July, eighteen hundred and sixty-three, shall be free, and that all slaves within the said State who shall, at the time aforesaid, be under the age of ten years, shall be free when they arrive at the age of twenty-one years; and all slaves over ten and under twenty-one years shall be free when they arrive at the age of twenty-five years; and no slave shall be permitted to come into the State for permanent residence therein;" Therefore,

Sec. 2. Be it further enacted, That whenever the people of West Virginia shall, through their said Convention, and by a vote to be taken at an election to be held within limits of the said State, at such time as the convenience may provide, make, and ratify the change aforesaid, and properly certify the same under the hand of the President of the Convention, it shall be lawful for the President of the United States to issue his proclamation stating the fact, and thereupon this act shall take effect and be in force from and after sixty days from the date of said proclamation.

Approved, December 31, 1862.

This bill did not pass the House, as will be seen from its date, until early in the next session of Congress. In the meantime there was great anxiety and impatience manifested in regard to it by the people of Western Virginia. This was expressed by the Legislature in a joint resolution passed on December 9th, as follows:

Resolved, That, feeling the greatest anxiety and interest in the successful issue of the movement for a new State in West Virginia, we earnestly request the House of Representatives of the United States to take up and pass, without alteration or amendment, the bill which passed the Senate of the United States on the 14th of July last."

The language of this resolution, "without alteration or amendment," is suggestive, in that it shows the position to which public sentiment had come in relation to the conditions imposed by Congress.

On the 9th of December the Senate bill became the order of the day in the House of Representatives. The debate which followed occupied two days, and traveled along the lines that had been traversed by the Senate, excepting that the conditions regarding slavery did not become a question. But the Constitutional questions involved, and the validity of the proceeding under the Constitution, were discussed with great ability on both sides. Hon. Wm. G. Brown, of Virginia, opened the de-

bate by a full statement of the case in favor of the bill. The opponents of the bill, among whom were some very able members of the House, raised the constitutional questions upon which they asked for the rejection of the bill. Mr. Bingham, of Ohio, at that time a leader in the House, had charge of the bill, and closed the discussion with a very able review of all the questions involved, and a very conclusive argument in favor of the bill. The entire argument of the opponents of the bill is so well presented and answered, and the interesting constitutional questions involved are so clearly set forth in this speech of Mr. Bingham, that it is here reproduced as the most satisfactory exposition of the issues that is accessible:

MR. BINGHAM'S SPEECH, CLOSING THE DEBATE.

"It seems to me, Mr. Speaker, that if the House were to adopt the position which has been assumed by some of the gentlemen of this body who have opposed this bill with great earnestness, that all seeming and alleged constitutional difficulty to the admission of this State of West Virginia would vanish at once. The position, which has more than once been assumed in this debate, that there is no State there, but that what was once the State of Virginia is now only a Territory of the United States, within the limits of a former State organization, relieves this House of all constitutional difficulties upon the question of the admission of a new State organized therein. Sir, it is too late for any man in the American Congress to rise in his place and say that before the people of any Territory of the United States can organize and establish a Constitution and form of government, preparatory to admission into the Union as a State, an "enabling act" of Congress is necessary. There are too many States represented upon this floor, and in the Union to-day, which were organized into States and admitted as such by Congress without the authority of any enabling act, to admit of any such position being maintained in this House. If no State formed or organized within the Territory of the United States, could be admitted into the Union without the previous authority of an "enabling act," what becomes to-day of the Representatives upon this floor, and upon the floor of the Senate, from the State of Michigan? There was no enabling act there. The people, in

the exercise of their inherent power to form their own local government, organized for themselves within that Territory a form of State government, by the adoption of a written Constitution, sent it to the Congress of the United States for their approval, and which approval was all that was needful to give full and legal effect to their act.

"The whole question which has been brought into this debate touching the necessity of an "enabling act" was, upon the application of Michigan for admission into the Union as a new State, ably discussed and fully and carefully considered in the Twenty-fourth Congress. There was first on that occasion, if I recollect aright, the opinion of the Attorney General that no such act was needful, and which recited the precedent of Tennessee, which had been admitted as a new State without such an "enabling act." The question was brought to the consideration of the House and the Senate, and, after an exhaustive debate, a direct vote was taken upon it whether the new State could be organized and admitted into the Union without a previous "enabling act." If any one will consult the record of that vote in the Twenty-fourth Congress upon the admission of Michigan, he will find that it was decided by a very strong majority in favor of the right of the people to frame for themselves a State Constitution and Government preparatory to admission as a State into the Union without a previous "enabling act." This right of the people can no more be taken from them by Congress than can the right of petition. It was because this right is inherent in the people of every national Territory that Michigan was admitted as a new State into the Union against the objection that there was no "enabling act."

"I might go further in this connection, and remark that in the instance of the State of Michigan, while it was yet a Territory of the United States, and before admission by Congress into the Union as a State, the Constitution which the people had adopted was put into operation; the people under it organized their courts of justice, and assumed to exercise, and did exercise, the highest powers of sovereignty—the powers of legislation. Congress, by the act of admission, gave effect not only to their Constitution, but, by relation, gave legal effect and validity to all that had been done by that people under their new Constitution. With such a precedent unchallenged to this day no further word need be said in support of the proposition for which I contend, that the people of any Terri-

tory of the United States may, without an enabling act of Congress, frame for themselves a Constitution and State Government, and be thereby, with the consent of Congress, admitted as a State into the Union.

"What, then, becomes of the objection to the admission of the new State of West Virginia, because there was no enabling act, if, as the objector asserts, Virginia is to-day only a Territory? Why, sir, if Virginia is only a United States Territory, it results that the people of that Territory, who apply for admission into the Union under a Constitution adopted by themselves, are exercising only the right of petition—a right which no man can question. If the fact be asserted, then the only question for this House to determine is, not whether it is constitutional, but is it expedient to grant the prayer of the petition, and thereby give effect and validity to their Constitution. There is the end of the argument, so far as the constitutionality of that question is involved, if we adopt the assumption that Virginia is but a Territory of the United States.

"I think it proper, before proceeding to consider the weightier questions which have been raised here, to notice the objections made by the Representative from the Accomac district, (Mr. Segar,) who has just taken his seat. His argument, in my judgment, was a felo de se—a self-destroyer. In one breath he says that the Convention which met at Wheeling was a Constitutional Convention, and the Legislature there assembled a Constitutional Legislature; in the next breath he denies that these bodies are Constitutional or legal bodies. If it be the Constitutional Legislature of the State of Virginia which assembled at Wheeling, then it had the power to provide, as it did provide, for the action of the people touching the adoption or rejection of this Constitution, and the organization of this proposed new State within the limits of Virginia. And yet the gentleman, further on in his speech, came to the conclusion that this legislative body at Wheeling was informal; that it was unconstitutional; that it was tyrannical and oppressive; and he asks this House to interpose its shield between the outraged people of Virginia and this tyranny. A Constitutional Legislature who, by a constitutional act, authorized the people to vote for or against a Constitution framed by their own delegates to enable them, if they see fit, to organize for themselves a new State, and to petition the Congress of the United States for its admission into the Union, a tyrannical body!

"It is the first time I have ever heard a Representative upon this floor venture so far as to say that an act authorized by the Federal Constitution, and within the express reserved rights of the people of every State, is an act of tyranny. The gentleman says that in the Convention which convened the Legislature of Virginia, eleven of the counties within the proposed State were not represented. What of that? Does the gentleman mean to say that it makes invalid all that has been done under that Convention? Let him remember, if he pleases, when he makes an argument of that sort, that that Convention, which was an original act of sovereignty of the people themselves in Virginia, appointed the very Governor of Virginia under whose proclamation he ventured to become a candidate for a seat in this House, and under whose certificate he ventured to present himself here for admission. He cannot be allowed to blow hot and cold in this way upon a question of this sort. If the Convention was invalid, then their appointment of a Governor was invalid, and his proclamation for the election, under which the gentleman claims his seat, was also invalid. The election proclamation of Governor Pierpont, if I recollect the record aright, was issued before the people of Virginia were permitted to speak by ballot on the question whether Governor Pierpont should be their executive or not. It was the act of the Convention itself that appointed the Governor of Virginia under whose proclamation the gentleman was elected; of that very Convention which the gentleman from Virginia (Mr. Segar) stands here this day to repudiate.

"There was one other objection in the gentleman's argument—if it may be called an argument—which I desire to notice, and that was that there was not a sufficient number of votes given at the election to justify the House in concluding that this Constitution is the act of the people. It is the first time, I may be permitted to say, that I have heard any man say that the neglect or refusal to vote of part of those duly qualified to vote invalidates an election which in other respects is legal. If that were so, then it would be impossible for the people of the State of Virginia, as long as these rebels choose to remain rebels, to reassert their rights. As to the way in which the minority may assert their rights against a majority of rebels, I shall have something to say hereafter.

"If the gentleman honestly entertains the view of the subject which he has expressed, and to which I have just referred, that an election legally held is made invalid because the great majority of

the voters choose not to attend and vote, then with what propriety did the gentleman come here from a district in which there are fifteen or twenty thousand voters, backed by the pitiful vote of only twenty-five citizens, and ask a seat upon this floor? (Laughter.) A man capable of playing that role might be capable of betraying in his place, after he is admitted, the reserved rights of the people whom he represents.

"Mr. Speaker, I come now to the other question that has been raised in this debate. No one could be more surprised than I was to see the venerable gentleman from Kentucky, (Mr. Crittenden,) upon whose head time, with its frosty fingers, has scattered the snows of more than seventy winters, and who, for nearly half a century of public service, has had so much of opportunity to learn the true theory of our Government, come here and ignore its very first principles altogether; and that, too, in the teeth of his own manly utterances made no longer ago than at the last session of this House. He uttered a great truth at the last session, in speaking of the reserved rights of the people of Virginia, when he said that the Convention of that people to reorganize their State Government was an original act of sovereignty. It has always been so held. The very Constitution under which the American Union exists this day; the very Constitution under which every Representative upon this floor holds his seat this day, came to be by virtue of that original sovereignty in the people which they have not surrendered, which they could not surrender if they would, and which they should not surrender if they could. There is not a man familiar with the history of this Government but knows the fact that the Constitution of the United States was formed and ratified by the people, and put into full operation and effect in direct violation of the written compact between the several States of the Confederacy. By what authority? Let him who is called "the father of the Constitution" answer that question himself.

"When the Constitution was on trial for its deliverance before the American people, the enemies of that great instrument pointed to the fact that if it were adopted, it would be adopted in direct contravention of the written compact of perpetual union between the thirteen States; because it was provided in the instrument itself that the ratification of nine States, no matter if every man in the four remaining States protested against it, should give effect to the instrument, and make it the supreme law, to the entire

exclusion of every provision of the Confederation within the limits of the States adopting it. The question was asked, how can you abrogate the compact without the consent of all the parties to it? What was the answer to this question given by Mr. Madison, and addressed to the listening people of all the States of the Confederacy who were about to pronounce judgment upon the Constitution? He said:

" 'The question is answered at once by recurring to the absolute necessity of the case, to the great principle of self-preservation, to the transcendent law of nature and of nature's God, which declares that the safety and happiness of society are the objects at which all political institutions aim, and to which all such institutions must be sacrificed.'

"And thus was the question raised by the enemies of the Constitution answered; and by acting upon the great principle of 'self-preservation,' the people ordained the Constitution and superseded the Confederation.

"There is nothing in the Federal Constitution to take away or limit this right or self-preservation in the people; nor is there anything in that instrument that is contravened by this action of the people of Virginia. Need I stand here to argue that there is not one line or letter in the Federal Constitution that pretends to grant any power to the people of any State to organize a State government for themselves, especially the original States? Their State governments existed before the Constitution was made; they continued after the Constitution was made—not by the grant of the Constitution, but by the inherent power of the people themselves, a power which they have have never surrendered, and which they can never surrender. No truer utterance was ever made on the floor of the American Senate than that of the late Mr. Benton, when he said that the people of any State might alter and amend their Constitution at their pleasure, without consulting anybody outside of the State.

"Mr. Dawes. Provided it be republican.

"Mr. Bingham. Certainly, provided it be republican. There is that limitation. And provided further, if you please, that it does not contravene any of the guarantees of the American Constitution to the citizens of the United States, or of any of the restrictions upon the States. I agree that there are limitations imposed by the Constitution beyond the which the people of a State may not go;

but I am speaking of the power of the people in the States to reorganize their State governments at pleasure, always in subordination to, but not by grant of, the Federal Constitution. My position is, this power is inherent in the people, and does not exist by virtue of grants of the Constitution. It is a right in the people themselves. We come now to the great point in discussion here. Who constitute the State of Virginia? I beg leave here to thank my friend from Massachusetts (Mr. Dawes) for suggesting what was essential to the line of my argument. The gentleman from Pennsylvania (Mr. Stevens) said the majority of the citizens of the United States within any State are the State. I agree to that sir, subject to this limitation, that the majoriy act in subordination to the Federal Constitution, and to the rights of every citizen of the United States guaranteed thereby.

"But, sir, the majority of the people of any State are not the State when they organize treason against the Government, and conspiracy against the rights of its citizens. The people of a State have the right to local government. It is essential to their existence. To-day, as the law stands in this country, and by the uniform construction of the powers of this Government, there is no law by which the midnight assassin of a mere private citizen can be brought to judicial trial, to conviction, and to judgment, within any State of this Union, save the law of the State. Your Federal tribunals under existing laws have no cognizance of the crime if committed within a State on a private citizen, and can do nothing in the punishment of it judicially.

"Now, sir, I beg leave to ask, can the minority of the people of a State, by the act of the majority committing treason, and taking up arms against the Federal Government, be stripped of their right within the State of protection, under State laws, in their homes and in their persons, even against the hand of the assassin? Am I to stand here to argue such a question as that with intelligent Representatives? I say, that if the majority of the people of Virginia have turned rebels, as I believe they have, the State is in the loyal minority, and I am not alone in that opinion. I repeat, where the majority become rebels in arms, the minority are the State; that the minority, in that event, have a right to administer the laws, and maintain the authority of the State Government, and to that end to elect a State Legislature and Executive, by which they may call upon the Federal Government for protection 'against

domestic violence,' according to the express guarantee of the Constitution. To deny this proposition is to say that when the majority in any State revolt against the laws, both State and Federal, and deny and violate all rights of the minority, that however numerous the minority may be, the State Government can never be re-organized, nor the rights of the minority protected thereby so long as the majority are in the revolt. In such an event, the majority, being rebels, must submit to the law of the minority, if enforced by the whole power of the National Government. That is no new idea, even. It is as old as the Constitution. I ask gentlemen to refer to that remarkable letter of the Federalist, addressed by Mr. Madison to the American people, wherein he discusses the fourth section of the fourth article of the Constitution of the United States, to wit:

" 'The United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, (or of the Eexecutive, when the Legislature cannot be convened,) against domestic violence.'

"As if that great man had been gifted with the vision of a seer, standing amidst his own native hills of Virginia, he foretold that it might come to pass that a majority of the people of a State might conspire together to sweep away the rights of the minority, and break down their privileges as citizens of the United States. In that paper Mr. Madison says:

" 'Why may not illicit combinations, for purposes of violence, be formed as well by a majority of a State as by a majority of a county or a district of the same State? And if the authority of the State ought, in the latter case, to protect the local magistracy, ought not the Federal authority, in the former, to support the State authority?'

"That is precisely the question here to-day. That is precisely the condition of things in Virginia. The majority have become traitors. When the Representatives whom they had elected, who were required by the existing Constitution of Virginia, as well as by the Federal Constitution, to take an oath to support the Constitution of the United States, went to Richmond, joined in this conspiracy, lifted up the hand of treason and rebellion against the Government, foreswore themselves, and, in short, entered into a deliberate article of bargain and sale with Alexander H. Stephens,

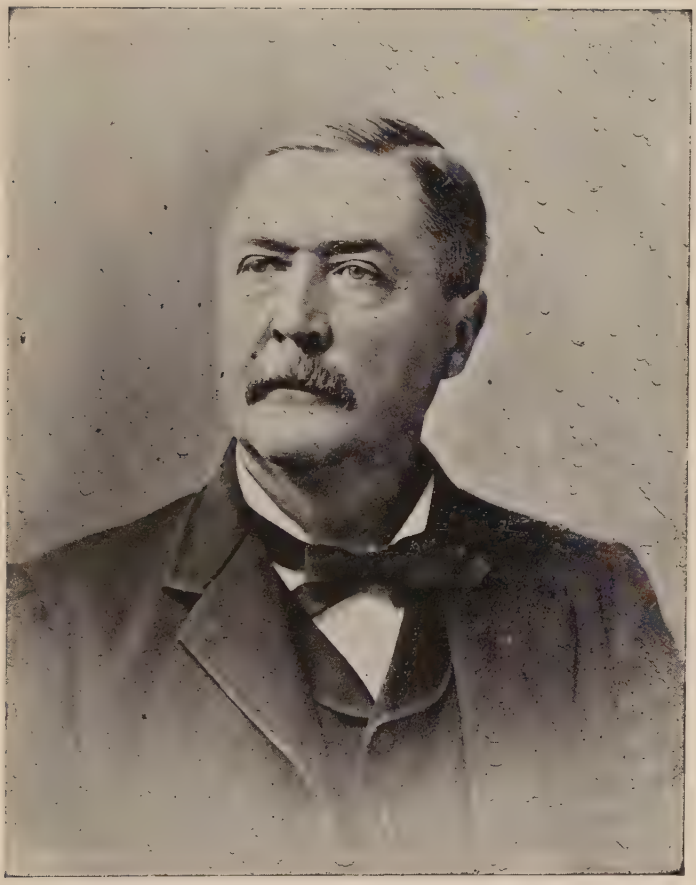
Vice President of the Southern Confederacy, transferring the State of Virginia to that Confederacy, they surrendered all right to represent any part of the people of Virginia; as a Legislature they utterly disqualified themselves to execute that trust. But, sir, what are we told? According to the logic of some gentlemen, it would seem that because the Legislature at Richmond turned traitors, because every man of them, except those few who escaped for their lives from that doomed city—as I trust it is a doomed city—joined in this red-handed rebellion, therefore the people could have no legislation. I appeal to the immortal words of the Declaration in refutation of that conclusion. 'The legislative powers, incapable of annihilation, have returned to the people at large for their exercise.' No matter, sir, who turns traitor, the legislative powers are incapable of annihilation. Now, what but this power remained to the people of Virginia? Their Governor and Legislature had turned traitor. You say that no special election could be held under the Constitution of Virginia without a proclamation from the Governor, in vacation, or without a writ of election issued by the Legislature. What was to be done? I say that the power remained with the loyal people of that State to call a Convention and create a provisional government, which they did. On the 23d day of May, 1861, the people of the State of Virginia, invited by an original Convention of the people themselves, met at the time and place specified in the existing law of that Commonwealth, and elected a Legislature.

"It is said that a majority of those chosen on that day, including those chosen by the rebels, took the road to Richmond, and took the oath of treason against the Government of the country? Then I tell gentlemen who make that remark that these members-elect never became part of the Legislature at all. The original Convention of the people declared, in 1861, that only those who were elected, and who qualified, should be the Legislature of the State. I might go somewhat further with this argument. I say that the ultimate power to decide that question, 'which of these bodies is the Legislature of Virginia?' is in the Congress of the United States. What is the lawful Legislature of the State? Although they were literally chosen under the amended Constitution of Virginia, (adopted in 1851,) and the statute of the State, nevertheless I say that it is competent for Congress to say—and it is not only competent, but it is imperative duty of Congress to say—

that not a man of them who refused to take the oath prescribed by the Federal Constitution, and who took the oath of that treasonable conspiracy at Richmond, ever became a member of the Legislature of the State of Virginia. Who then are the Legislature of Virginia? Only those who qualify in pursuance of the requirements of the ordinance of the people themselves by taking the oath prescribed by the Federal Constitution, and by the Virginia Constitution. If those gentlemen had chosen to observe that form they might have constituted a majority of the Legislature; but they did not do it, either at Wheeling or in Richmond. They violated the Constitution of their own State, as well as the Federal Constitution, when they went to Richmond and took the oath of treason.

"Now, who are the judges of this matter? I intend, if I can, to strip from every member of this House all attempts to disguise his responsibility here. I am not going to quarrel with good friends if they differ with me in final conclusions, but I am not going to stand here and allow the Representatives of the people, on a question of this magnitude, to shirk their responsibility. I say it without the fear of contradiction, because it has been affirmed by every branch of this Government, Legislative, Executive and Judicial, more than once, that when the storm of revolution shakes the civil fabric of a State of the Union, the ultimate and final arbiter to determine who constitute the Legislative and Executive Government of that State, and hold its great trust of sovereignty, is the Congress of the United States, or the President acting by authority of an act of Congress. The great case of Luther and Borden must be fresh in the mind of every Representative of the people, and that was the very question which was then and there decided. What did the court decide in that case? Luther brought his action for trespass to his domicile in the Circuit Court of the United States for the district of Rhode Island. He charged the defendant in that case with having broken open his residence, which every man knows is, under our laws, his castle. He charged in his declaration that defendant not only broke into and entered his house, but went through all his rooms, from garet to cellar, in search of his person; that he had violated, if you please, his sacred right of domicile.

"Now, I may be pardoned for reminding gentlemen here that there is no right known to the citizen, under the American law, or under the law of any country beneth the sun where the principles



Archibald W. Campbell.

of the common law obtain, which is looked upon as more sacred than the right of domicile. You know that by the common law it is held so sacred that he who invades it without the leave of the owner, and especially menacingly, is not entitled to the benefit of the rule that the party whom he assails must flee to the wall, but he may suffer instant death, and the owner is justified before the law, because his hearth-stone is not to be violated by a malicious intruder against his protest and against his consent. There was a strong case against defendant on that record if he had not justified his act. But he did justify—and how? Rhode Island had been in revolution. Two opposing governments had been in operation. Who was to decide which was the lawful government? They first said that the Courts were to decide. They asked the Courts of Rhode Island to sit in judgment upon the question whether the government under which they held their commission was a government at all. The Chief Justice of the United States, with bitter irony and sarcasm, remarked that he did not 'see how the question could be tried and decided in a State Court;' for that, whenever they arrived at the conclusion that the government to which they owed their existence was no government at all, the court itself ceased to be a court, and could not pronounce the judgment. The breath of life would go out of its body instantly. This action, however, for trespass, was instituted in the United States Circuit Court for the district of Rhode Island.

"The defendants, by their plea, justified the trespass on the ground that plaintiff was engaged in insurrection, together with others, against the State; that the State was, by competent authority, declared under martial law; and that defendants, being in the military service of the State, by command of their superior officer, broke and entered plaintiff's house. The plaintiff denied the authority, and replied it was defendants' own proper wrong. In other words, was the government against which the plaintiff was in insurrection the government of Rhode Island?

"The case finally came up to the Supreme Court of the United States. The Chief Justice (Taney) in delivering his opinion, said that it was a political question, and that the decision of it by the Federal Executive, under the authority of Congress, was binding on the judiciary. He also said the power to decide the question which of the two governments in a State is the true government is in Congress.

"That decision amounts to just this, and that is what gives importance to it in the discussion of this question: if the Congress of the United States solemnly decide, as they are the ultimate arbiter of this political question, that the people of Western Virginia have no right to maintain the government which they have established, and under which they have made this new Constitution, and apply here for admission, they thereby decide that it is void. All that remains is for the Executive to follow your example, and leave that people to their fate.

"What is the effect of such a decision by Congress and the Executive? It is to bind your own judiciary to hold the legislation of that people for the protection of their lives and property void. You bind the judiciary of the State itself. You bind everybody who is appointed to execute the laws within that State. While you pretend to be for the Constitution as it is, you say to this people, that inasmuch as they are in a minority, and inasmuch as the majority have taken up arms against the Government of the United States and of the State of Virginia, they are without the protection of local State law; that their representatives duly elected are not and cannot be called the Legislature of Virginia.

"I think I have said enough to satisfy the gentlemen who have done me the kindness to attend to what I have said, that the Legislature which assembled at Wheeling, Virginia, was the Legislature of the State of Virginia; and that it remains with you alone to determine whether it shall be or not. If you affirm that it is, there is no appeal from your decision. I am ready, for one, to affirm it, and upon the distinct ground that I do recognize, in the language of Mr. Madison, even the rights of a minority in a revolted State to be protected, under the Federal Constitution, both by Federal law and by State law. I hold, sir, that the Legislature assembled at Wheeling, then, is the legal Legislature of the State; that it had power to assent to this division of the State of Virginia; and that it is wholly immaterial to me whether a majority of the counties of that State refused, by reason of their treason, to co-operate in the election of Delegates and Senators to that Legislature. On the subject of granting the admission of the proposed State, to which that body has assented, it is enough for me to know there is a sufficient number of loyal men within the limits of the proposed State to maintain the machinery of a State Government, and entitle them to Federal representation. That is the only

rule heretofore recognized by Congress in the matter of admitting new States duly organized.

"It may be urged here that this Legislature, before assenting to the division of the State, should have met at Richmond. It is hardly worth while to follow out such an argument. Gentlemen might as well allege that if the forces of the rebellion took possession of this capital, the American Congress could not meet and lawfully exercise its functions in Philadelphia. I do not expect to argue any such question. I undertake to assert that the power exists—that there is nothing either in the Constitution of the United States, or in the laws of the United States, to make invalid the meeting of Congress elsewhere within the limits of the Republic than the city of Washington. If you assert the contrary conclusion, then all Jefferson Davis has to do in order to annihilate the legislative power of the Government is to take possession of this capital. I am not ready to stultify myself.

"Now, this Legislature of Virginia has passed an act, in due form of law, assenting to the erection of a new State within the limits of that State; that is all which is required by the Constitution of the United States on the part of the State of Virginia. It remains to be determined then whether Congress will grant its consent.

"This State, which it is proposed to admit into the Union, is three times as large in territorial extent as the State of Massachusetts. It has an area of 24,000 square miles, and a free population of 340,000. The question then comes up whether the Congress of the United States ought to grant the prayer of the people of Virginia. Will Congress admit the new State upon the Constitution as framed and proposed by the bill to be amended?

"The gentleman on the other side who professes to represent Virginia in this matter, (Mr. Segar,) says that we should not admit this new State because there were eleven counties in which there was not a single vote for the Constitution. Well, there were fifty-two counties which voted. But he has not informed us how many votes were cast against it. It so happens that there is a return of some 19,300 on the adoption of the Constitution in the form as it originated in the Convention, and only 500, in round numbers, cast against it. You must consider that at the time this vote was taken a large portion of the male population were in arms, protecting the frontiers against the inroads of this armed rebellion.

Yes, sir, my friend tells me not less than seventeen regiments, in other words, 17,000 men, were in the field.

"That objection is easily answered, however; for it is expressly provided in the Senate bill, which is now before the House for consideration, that the new State shall not be organized nor the Constitution adopted until there shall be another election by the people. They will have an opportunity then to vote it down. You give it the sanction of law by passing the Senate bill, which provides that it shall not take effect until an election be held, and that the Constitution as amended by this bill shall be ratified by the people. They will then have an opportunity to determine, by ballot, whether they will come into the Union as a free State, or whether they will remain in the State of Virginia as now organized. I submit that I am justified in saying that the objection raised by the gentleman from Virginia falls to the ground, unless he is indeed unwilling to trust the people. That is precisely the difference between him and myself. I have an abiding confidence in the people, and that confidence shall remain unshaken until that sad day comes, which I trust never will come, when a majority of the people in every State shall imitate the bad example of a majority of the people of the State of Virginia. That would indeed be a calamity for which our matchless Constitution provides no remedy, and for which 'no possible Constitution can provide a cure.' The people will then have consented simply to national suicide and self-destruction.

"It is because I have confidence in the people that I am willing to send this bill to them. I want to see them vote on it, from the base of the Alleghenies to the beautiful waters of the Ohio. I have been among that people. I know something of their character. I have seen eight or ten thousand of them in Convention assembled, for the laudable purpose of holding up the arm of the Government against this unmatched treason and rebellion. I believe that they are loyal. I believe that they are the friends of free institutions. We have some evidence of it in the Constitution now before us: and we will have additional evidence in that instrument as they will amend it, if you pass this bill. If it be urged that this bill, because it imposes conditions on the State, is without a precedent, I beg leave to say that it is not without a precedent. There is scarcely a single bill which has passed the Congress of the United States for the admission of a new State without conditions annexed,

and without the future acceptance of which by the people of the proposed new State the State could not come into the Union.

"The question has been asked, is it expedient to admit this new State? Is it expedient to unite the people of that valley as one man in support of the Government? Is it expedient to give validity and legality to the acts of her lawful Legislature? That is an important question for us to consider. I trust that all men in favor of liberty regulated by law, will say that it is expedient for the American Congress, if possible, to sanction their action and give force to their laws. I fear the chief objection, at last, to the organization of this new State, and to its admission into the Union, however gentlemen may disguise their thoughts, and shrink from a manly avowal of them, is not that there is any constitutional objection to it—that there is anything inexpedient in it, when you take into consideration the whole interests of the whole people of the Republic—but simply that it is an inroad, which will become permanent and enduring if you pass this bill, into that ancient Bastile of slavery out of which has come this wild, horrid conflict of arms which stains this distracted land of ours this day with the blood of her children.

"I have no doubt—I have no authority from any of their representatives to say it—but I have no doubt from what I know of that people, that if you give them the authority by passing this bill, that they will not only ratify this Constitution, but that they will be glad to accept the terms of the President's emancipation proclamation. I believe that many moons will not come and go before the Commonwealth of West Virginia will stand amongst the free Commonwealths of the Union.

"I have no doubt about the general sense of the people of Western Virginia, and that if this bill passes in its present shape there will be no slave born there after the 4th day of July next. I am not ashamed to say that I esteem liberty as above all price, and that I count it a great privilege to be able to secure to any man who is guiltless of crime his liberty, though he be a slave. I would contribute to that great end of our free institutions—freedom to all, and personal security to each. Without this men may as well not be.

"Under this bill, it is provided that no person born in that State after the 4th of July next shall be a slave; that all persons held in slavery within the limits of that State under the age of ten years

shall be free at the age of twenty-one, and all over ten and under twenty-one at the age of twenty-five years. God knows, I would have preferred that this House had the courage to have said that every human being should be free now and forevermore within the proposed State, upon the adoption of the Constitution. I intended, at one time, to have offered an amendment to the bill, but I had not the opportunity given me. I choose to follow the express will of a majority in that respect.

"If I could not give liberty to-day to all the slaves in West Virginia, I consider it my duty to give liberty ultimately, as this bill does, to nine tenths of the slaves within that State, and to forbid the increase of slavery therein in the great hereafter. I think he would be a poor representative of free men and free institutions who would stand here and say, upon an occasion like this, that because he could not secure liberty to every slave within the State, therefore he would refuse liberty to nine tenths of them, especially when he has the opportunity at the same moment to declare that no person born within the limits of that State after the next anniversary of our independence shall be held as a slave.

"I trust, then, the bill will pass; I trust it will pass, as I said before, because I have an abiding confidence in the people themselves, that they not only will ratify what you will do, but speedily avail themselves in their legislation of the opportunity presented to them by the President's proclamation to inaugurate immediate or ultimate emancipation for every slave within the State.

"Refuse to pass this bill, and if they attempt, by their present Legislature, to adopt the emancipation policy of the President, you will have the argument thrown back into your faces that that is not the Legislature of the State, and has no power to consent to the proclamation of the President of the United States; and therefore you will be required to repudiate it. Pledge yourself to this. Declare that the Legislature of the State, and upon that hypothesis admit the State, and, of course, once admitted, its own Legislative Assembly will be beyond question; and when the new Legislature under the new State of Virginia shall accept the President's proposition, as stated in his proclamation of the 22d of September, all doubters about the constitutionality of the act will be silenced; and whether they be silenced or not, there will stand the record of the majority of this House to give validity to their act, and from which there can be no appeal."

At the conclusion of Mr. Bingham's argument the vote of the House was taken on the passage of the bill and resulted in 96 votes in favor and 55 votes against it.

The bill was approved by the President, and became a law on the 31st day of December, 1862.

CHAPTER XIII.

THE NEW STATE BILL IN THE HANDS OF PRESIDENT LINCOLN.

The bill for the admission of the new State having passed both branches of Congress, now came into the hands of Mr. Lincoln for his approval.

The opponents of the measure, both at home and at the National Capital, made their last stand to obtain a veto by the President. They were active and zealous in urging upon him the arguments against the bill becoming a law. Senator Carlile was now an open and active enemy of the new State movement. Shortly after the passage of the bill by the Senate, he declared in the course of his remarks on the Louisiana question that "if he had had the means of supporting his family without the three thousand a year he received as a Senator, he would have resigned his seat on the very day that the State of West Virginia was recognized by the Senate."

This was a radical advance even for Mr. Carlile, and was thought to be such an impolitic declaration for a United States Senator to make from his seat, that his friends urged that it should be excluded from the published proceedings. But it did not escape the criticism of the newspapers of the Capital, which excoriated him without stint. The Legislature, then sitting at Wheeling, passed a joint resolution on the 12th of December, requesting him to resign his seat in the Senate, and

forwarded the resolution to Washington, requesting that it be laid before Congress.

Doubtless the pressure that was brought to bear upon Mr. Lincoln to induce him to veto the bill, made him more careful in its consideration than he otherwise would have been. Yet Mr. Lincoln was a careful man. In the midst of the momentous problems that were then pressing upon him day by day, he did nothing in haste. The admission of West Virginia as a State, however important at that time, was a mere side issue to the great events that were occupying the mind of the President and the attention of the Nation. It is safe to say that all his inclinations were toward giving the executive sanction to the new State movement. He had promised the people early in their struggle that they should have his support as far as the Constitution would warrant.

Now he is face to face with the difficult question—difficult both from a legal standpoint and as a question of public policy—of granting or refusing the intent desire and ambition of the people of Northwestern Virginia. He took his constitutional limit of time for determining this. He took the written opinions of the members of his Cabinet. It was during Christmas week, while Congress was taking a holiday, that Mr. Lincoln was wrestling with the new State bill. The friends and patrons of the bill were also on the ground awaiting the decision of the President. What they were doing is very graphically related in a letter by Hon. Jacob B. Blair, one of the Western Virginia Representatives in the House. This letter is addressed to Senator Willey and bears date in 1875, and the recital of the events of that time were for the purpose of clearing up another matter then in controversy. Mr. Blair writes:

"After the bill had passed both Houses of Congress, and needed only the approving signature of the President to become a law, it was thought prudent by you (Mr. Willey) and myself to visit the

members of the Cabinet, and explain to them the true condition of the loyal people of West Virginia, and to answer, if possible, any objections they might urge either to the constitutionality or expediency of the measure. To this end we called on Mr. Chase, Secretary of the Treasury; Mr. Seward, Secretary of State; and Mr. Blair, Postmaster General; and I know we had good reasons to congratulate ourselves on our day's work. The other members of the Cabinet, if my memory serves me right, we failed to see.

"There was now but one thing more that could be done by the Representatives in Congress from West Virginia, to secure the success of the bill which we believed to be fraught with so much interest to our constituents; and that was to visit the President and appeal to him in the name of the loyal people of West Virginia to give the measure his approval. The President had had the bill under consideration for nine days, and under the Constitution the hour for action was at hand. We all felt confident that he would approve it, but such was our anxiety for its fate that we felt restive under the suspense. As I have said before, we then determined to go and see the President and urge him to give the bill his favorable consideration. There is scarcely the smallest incident that occurred at that interview that I do not distinctly remember. It was in the evening of the last day of December, 1862. You, Hon. Wm. G. Brown, and myself were present. We had hardly taken our seats when Mr. Lincoln remarked that he was glad we had called, as he wished to talk to us as to the constitutionality and expediency of creating the proposed new State out of a part of the State of Virginia.

"Without waiting for a reply he went on to say that he had consulted his Cabinet on the above points, that he had their opinions in writing, that he would read them to us, but would not tell us which was which. Friend Brown just then got in a word, and remarked that he thought we would be able to tell whose opinion he read. You remember we did so in every instance. He had the written opinion of every member of his Cabinet, save one—that of Mr. Smith. Mr. Seward, Mr. Chase, and Mr. Stanton, were for us. Mr. Wells, Mr. Blair, and Mr. Bates, were against us. The President then pulled out a drawer in the table by which he was sitting, with the remark: 'Now, gentlemen, I will give you the odd trick;' and I remarked, 'that is the trick we hope to take.' One thing I do know, that we three agreed afterwards, that Mr. Lincoln's argu-

ment was the clearest, most pointed, and conclusive of all that was read to us. We went at 7 o'clock and left after 10. You will remember that just as we were leaving I obtained a promise from him, that notwithstanding that next day was New Year's day, when the President received no visitors on business, that if I would come up early he would let Mr. Brown know whether he had approved our bill or not. I was there early in the morning, and he kept his promise as he always did. He brought the bill to me and holding it open before my eyes, he said: 'Do you see that signature?' I read: 'Approved, Abraham Lincoln.'

"I need not say I was happy. I thanked the President in the name of the loyal people of our new born State, for what he had done for them, and with a light heart I made my way back to the National Hotel. When a square off I saw your tall form standing in front of the hotel. When I approached you, I shall ever remember the anxiety depicted in your countenance to learn the result of my visit to the President. I told you all in a word, and then and there two souls were made happy. We both went immediately to the telegraph office, and sent the good news with lightning speed to Gov. F. H. Pierpont, then acting Governor of the restored Government of the State of Virginia.

"Individuals often prove ungrateful, but the masses of the people seldom; and you may rest assured that the people of West Virginia are not ignorant of the ability and fidelity with which you served them in every position you were called by them to fill; and no act of your life will be longer or more gratefully remembered by them than your faithful, honest, persevering effort, which was, at last, crowned with success, to secure for them that for which they had so long prayed—an independent State carved out of the territory of Virginia west of the Alleghanies.

Your obedient servant,

JACOB B. BLAIR."

The author of the above letter, while a very able man, was possessed of a very impulsive, sanguine temperament, full of enthusiasm for whatever he undertook, and with a fund of humor and good fellowship that made him companionable under all conditions. But to those who directly participated in the contest for the new State at the Capital, this period of waiting,

when the whole issue depended on the signature of the President, was the most exciting as well as the most amusing chapter in the history of the fight. Mr. Blair's impatient spirit, and his wit, made merriment for his associates and relaxed the tension of their suspense during the days and nights they waited for a word from the White House. While Mr. Blair's letter suggests the incidents of the situation, it omits many that were excessively ludicrous in which he figured as the impulsive actor. He tells us that he called early on the President on the morning of New Year's day to learn the fate of the bill, but he omits to say, what his associates allege, that he called before the White House was open, and climbed in a window, in his eagerness to get at the President.

Mr. Lincoln was not a man to rebuke such a lack of formality. He enjoyed it. He had a keen eye for the ridiculous, and he loved to throw off the dignity of his office and be himself. As illustrative of his free and easy manner, Mr. Willey tells that he, also, called on him early one morning. The President was in his office in the hands of his barber, and his face covered with lather. Mr. Willey was a frequent caller and a friendly, congenial, unofficial familiarity had grown up between them. When the President recognized Mr. Willey's voice in an outer room, he called out: "Come in, Willey, come in! I'm just having a shave. What can I do for you this morning?" Mr. Willey's errand was a request from one of his constituents, a lawyer, to be relieved from disabilities growing out of his connection with the war of the rebellion, which under the law, the President was authorized to relieve, on condition of their taking the oath of allegiance. But this petition was a little peculiar, as Mr. Willey said to the President, and he would submit it to his judgment. "Well," said the President, "you just read it, Willey, to me while I am being shaved." Mr. Willey proceeded to read the petition, the purport of which was that the writer desired to be relieved from his disabilities, and resume practice

of the law, but had conscientious scruples against taking the test oath, and wanted to be excused from that. Mr. Lincoln waited until the reading was finished, and then blowing the soap from his lips, simply said: "He be darned!"

There was a strange and striking contrast, almost inconceivable and indescribable, between this solemn visaged, serious President, in his moments of good humor, and those other moments when all that was somber in his character seemed to stand out as the controlling feature of his personality. In dealing with this great subject of a new State, so complicated in its character, and upon which he felt that so much depended, he spent three consecutive hours with those friends of the bill, mostly in discovering and commenting upon the humorous features of the contest, yet, at the same time disclosing a wise and shrewd appreciation of the questions involved; and when, at last, he was able to announce his conclusion, he did it with the manner and much the same exhibition of pleasure as a light hearted boy.

CHAPTER XIV.

THE CONSTITUTIONAL CONVENTION RE-CONVENED ON THE "WILLEY AMENDMENT."

The Convention which framed the Constitution had made provision, before its adjournment, for reconvening in case of need. The new condition relating to slavery which Congress had imposed as a qualification for the admission of the new State, made it necessary for the Convention to reassemble and act upon it. Accordingly the Convention came together again on the 12th day of February, 1863.

The exact question upon which the Convention was called upon to act, was that of incorporating in their Constitution the following provision, known as the "Willey Amendment."

"The children of slaves born within the limits of this State, after the fourth day of July, 1863, shall be free; and all slaves within the State who shall, at the time aforesaid, be under the age of ten years, shall be free when they arrive at the age of twenty-one years; and all slaves over ten and under twenty-one years shall be free when they arrive at the age of twenty-five years; and no slave shall be permitted to come into the State for permanent residence therein."

The adoption of the foregoing amendment was not a matter of course either by the Convention or by a vote of the people. The opponents of the new State measure now rallied all along the line to defeat it on this issue.

There is no doubt but that this Convention which had, at its former session, refused even to submit a provision of such a nature to a vote of the people, had materially changed its attitude toward that question. The informal vote taken by the people at the time of the adoption of the Constitution had done much to affect the sentiment of delegates. Now the question had become an absolute condition to the new State. Reject this concession and Congress would reject the application for a new State. This was now the pivot upon which the whole new State project was to turn.

The opponents of the amendment. in the Convention, sought to incorporate in the "Willey Amendment" a condition that the owners of slaves should be compensated under the pro visions for emancipation; claiming that this was an equitable demand on the part of those who had been loyal in spite of their interest. This was plausible, and abstractly, a just proposition, and had more chances of carrying the Convention than a direct assault upon the amendment itself. But it would, probably, have been as fatal in its ultimate effect, as a vote against the amendment. The Convention found a smooth way out of the dilemma by passing a resolution asking Congress to make an appropriation of $2,000,000 for compensating loyal slave owners. That adjustment ended with the recommendation.

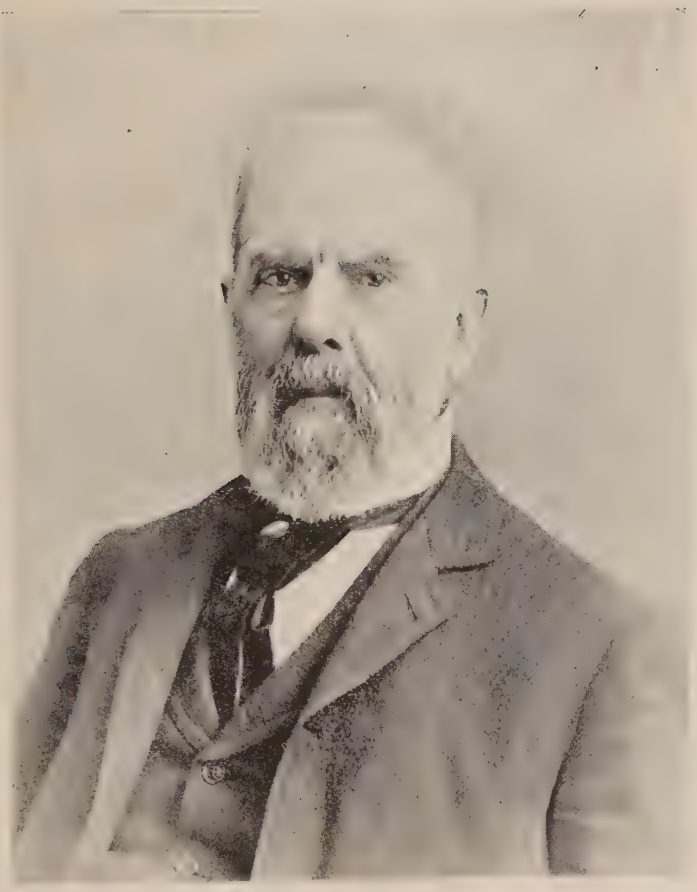
Outside of the Convention a good deal of agitation and effort to prejudice the public mind against the "Willey Amendment," and against the whole scheme of a new State, was being industriously worked up. It was alleged, with a good deal of effect, that the action of Congress was unwarranted "dictation;" that the new State would have no legal basis when it was admitted; and that even if the amendment was adopted, the whole proceeding would have to be gone through with again, of getting the consent of the reorganized government of Virginia and of Congress, to render it valid.

The opposition became so formidable as to arouse the apprehensions of the friends of the new State, and they took systematic measures to overcome it. Among other things, they invited Senator Willey to address the Convention on the questions at issue. His address was intended to be a complete review of the whole controversy regarding a new State, and to be used as a campaign circular for general distribution among the people. On the first day of the assembling of the Convention, Senator Willey, by arrangement, appeared and was at once invited to address the Convention. The address contains such a complete exposition of the questions at issue and the objections occupying the minds of the people at this epoch, that it is here reproduced as the best history, and affording the best understanding of the controversy that is attainable. Senator Willey said:

Mr. President:—Nothing has ever surprised me more than the opposition which is made to the admission of the new State of West Virginia into the Union by a portion of the people within its limits. The assumed grounds of this opposition are, however, little less surprising. It is to be regretted that there seems to be some necessity for debating the question.

The fundamental objection on the part of the opponents of the new State appears to consist in the idea that the proper assent of the Legislature of Virginia has never been obtained, and this objection is predicated on the hypothesis that what has been called the Wheeling Legislature was not, in fact and in law, the Legislature of Virginia. If this be true, the objection is well taken, for the Constitution of the United States expressly provides that "no new State shall be formed or erected within the jurisdiction of another State without the consent of the Legislature of the State and of the Congress."

I hardly suppose it is necessary to controvert the idea before the people of West Virginia, that the Richmond Legislature since the 17th day of April, 1861, was the true and rightful Legislature of Virginia. Traitors may think so, but loyal men cannot think so. Those who believe in the doctrine that a State has a right to secede



JACOB BEESON BLAIR.

from the Union, may be excused for entertaining such an opinion, but those who believe that Virginia is still in the Union, and one of the United States, cannot tolerate such a political heresy. Why, sir, those men at Richmond were rebels. They had abjured their allegiance to the United States and sworn to support the Constitution of the so-called Confederate States. They had levied war against the United States. Shall they be acknowledged as the rightful Legislature of Virginia? Not by me, sir, while God spares my life! Not by me while the old flag of my fathers floats over one foot of ground between the Atlantic and Pacific oceans.

Well, then, sir, has Virginia been without a Legislature ever since April 17, 1861 I recur to the question—Was the Legislature which consented to the formation of the new State of West Virginia the Legislature of Virginia in fact and in truth?

I need not rehearse to the people of West Virginia the atrocious proceedings of the conspirators which led to the organization of the Legislature at Wheeling. I need not remind them that without their knowledge or their assent they were transferred, like slaves on the block, to an insurrectionary government of self-constituted rulers at Montgomery. I need not review the state of facts existing among us by which we were left without judges, sheriffs, justices of the peace, courts, and all those arrangements of government, legislative, executive and judicial, necessary to the protection of our lives, liberties and estates. All these matters are still painfully fresh in the memory of all. The necessity to provide some security for ourselves was absolute. If we had been disposed to submit ourselves to the rebel government, it was utterly beyond our reach—utterly unable to afford us the slightest protection. What could we do? There were three alternatives before us. 1st, To yield ourselves victims to unrestrained anarchy and lawlessness. 2d. To invoke the protection of a military governor, and submit ourselves to the caprices of military despotism. 3d. Or to resume the exercise of our original inalienable right of establishing a government for ourselves. We chose the latter, and the wisdom of our choice has been vindicated by the comparative security, happiness and prosperity of the people wherever the government we restored has been established and maintained.

Our moderation in the exercise of this prerogative has been the theme of admiration by all impartial men who have examined and understood our proceedings. Instead of assuming to organize a

new State government, we simply resumed the old government, by appointing new officers to discharge its functions in place of those who had vacated their offices by flight, or forfeited them by treason. This we did, and nothing more.

And now, sir, was the government of Virginia, thus restored, legitimate, and valid? Was the Legislature at Wheeling, which gave its consent to the admission of the State, the true and lawful Legislature of Virginia?

And here, sir, I beg leave to refer you to the following extract from the opinion of Chief Justice Taney, delivered in the celebrated case of Luther vs. Borden, 7 Howard, page 42:

"Moreover, the Constitution of the United States, as far as it has provided for any emergency of this kind, and authorized the general government to interfere in the domestic concerns of a State, has treated the subject as political in its nature, and placed the power in the hands of that department.

"The fourth section of the fourth article of the Constitution of the United States, provides that the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them from invasion; and on the application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

"Under this article of the Constitution it rests with Congress to decide what government is the established one in a State. For, as the United States guarantee to each State a republican form of government, Congress must necessarily decide what government is established in the State, before it can determine whether it is republican or not. And when the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority. And its decision is binding on every other department of the government, and could not be questioned in a judicial tribunal."

Now, sir, what are the facts in this case? Have Senators and Representatives of the State of Virginia been admitted into the councils of the Union under the authority of the re-organized government of Virginia which gave consent to the admission of West Virginia into the Union? I need not answer that question. You know that they have been so admitted. My colleague (Mr.

Carlile) and myself now holding seats in the Senate of the United States, were elected by the Legislature at Wheeling. And Messrs. Blair and Segar, now holding seats in the House of Representatives, were elected under warrants issued by His Excellency Gov. Pierpont, the Executive of this re-organized government. And that is not all. For, in the language of the Hon. Mr. Colfax, when lately discussing this same question on the floor of the House of Representatives of the United States:

"Secondly, The executive department of the Government, and the highest portion of that executive department, the President himself, has repeatedly recognized the Governor and the Legislature of Virginia as the rightful authorities of that State.

"Thirdly, The Secretary of the Treasury has recognized that government as the rightful government of Virginia, for he has paid to them out of the Treasury of the Union, without complaint and without protest from any one of all the twenty-odd millions of loyal people of the United States the $40,000 remaining in the Treasury as the share of the State of Virginia of the proceeds of the sales of public lands, and which the State of Virginia had hitherto refused to take from the Treasury.

"Fourthly, The Secretary of War has recognized his government as the lawful government of Virginia, and Governor Pierpont as the rightful Governor of Virginia, by accepting his commissions of the officers of the noble and loyal volunteer regiments of Virginia, as commissions emanating from rightful and legal authority.

"Fifthly, The Secretary of the Interior has also recognized the same thing in his communicating to Governor Pierpont, as the Governor of Virginia, the official notice of the congressional apportionment of 1860, as required by law."

Surely, then, I think I may confidently say that the Legislature at Wheeling, and the government at Wheeling, have been most amply recognized by "the proper constitutional authorities." And if, in the language of the opinion just quoted, "its decision is binding on every other department of the government, and would not be questioned in a judicial tribunal," we ought to be content.

But the opponents of this measure express equal dissatisfaction with the character of the act of admission passed by the Congress of the United States; and whilst they cannot deny the power of Congress in the premises, they assume to allege that this power has been exercised in an oppressive and unconstitutional way.

They denounce the act of admission because we were not admitted with the Constitution we had ordained and adopted, without modification or conditions. Mr. President, I am free to say that such an admission would have been more acceptable to me. But I put it to you to say whether there ever was a law passed of very great importance which was, in all respects, perfectly acceptable to you. It is impossible to please all parties exactly in any matter of important legislation. The wishes, feelings, prejudices and interests of others must be consulted as well as our own. Dr. Franklin remarked, when about to cast his vote in favor of the Constitution of the United States, that there were many provisions in it which he would desire to be modified; but that considering the views and opinions of others it was the best Constitution he could get, and that its advantages and virtues so overbalanced its defects and vices, that he was willing to adopt it as a whole. Well, sir, I opposed the adoption of the condition imposed upon us in the act of admission. I preferred to have no such conditions, and voted against them. But I was but one of forty Senators, each of whom were entitled to as much consideration as myself. A majority of them determined to affix the conditions complained of to the act of admission, and they did affix it. The result was, that I must choose between admission with this objectionable feature, or rejection altogether. I could not hesitate. The advantages of admission thus embarrassed, over total rejection were, to my mind, so overwhelming that there was no apology for hesitation.

But, sir, let us examine the objection most frequently, and, as I understand, effectively made against this act of admission. It is called unwarrantable—nay, unconstitutional "dictation," on the part of Congress, with matters properly cognizable by, and belonging to the people of the State in their municipal capacity. Now, what is the precise cause of offence?

In the Constitution of the new State there was this section:—

"No slave shall be brought, or free person of color be permitted to come, into this State for permanent residence.

The following is the substitute proposed by Congress for the foregoing section: "The children of slaves born within the limits of this State after the fourth of July, eighteen hundred and sixty-three, shall be free; and all slaves within the said State who shall, at the time aforesaid, be under the age of ten years, shall be free when they arrive at the age of twenty-one years; and all slaves

over ten and under twenty-one years, shall be free when they arrive at the age of twenty-five years; and no slave shall be permitted to come into the State for permanent residence therein."

Now this is the provision which has created so much ado; and inspired so many jeremiades. Here is the head and front of that terrible "dictation" which has been so bitterly denounced—especially by our friends possessing secession proclivities.

Now, sir, I frankly admit that every State should be left free, within the plain limitations of the Constitution of the United States, to regulate its own municipal affairs, without any interference from any external power on the face of the earth. Does this act of Congress infringe upon this right? Let us see.

By the 3rd section of Article IV of the Constitution of the United States, it is provided as follows:

"New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junctions of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress."

Now it must, therefore, be conceded by all that Congress had an unqualified right to have rejected our application for admission into the Union altogether. Suppose Congress had exercised that right? Suppose, that to our application Congress had said—No! You shall not be admitted on any terms. Would that not have been "dictation," according to the logic of these objectors? And yet Congress had the right and power to do so. But Congress did not exercise its power so arbitrarily. They did not reject our suit altogether, but submitted a proposition to us. They did not assume to thrust this proposition on us nolens volens, but referred it to our free consent whether we would accept or reject it. They sent their proposition back to the Convention which ordained the Constitution, and if it should be acceptable to the Convention, then it was to be sent on to the people themselves for ratification or refusal. Why, sir, what kind of "dictation" is this? It is a very harmless "dictation" which leaves us perfectly free to obey it or disregard it, as it may please us. There is nothing mandatory or compulsory in the case. We have no power to compel Congress to admit us; and Congress has no power to compel us to come into the Union contrary to our own free will, nor have they assumed to exercise any such power. And yet there are those who are constantly in-

flaming the public mind with the indefinite cry of "Congressional dictation."

But, Mr. President, I must be allowed to revert to a few historical facts in connection with an admission of new States into the Union. I think we shall find that the precedents are neither few nor feeble, in which Congress has affixed conditions to their admission. Indeed we shall find a notable instance prior to the adoption of the Constitution of the United States. In the 6th Article of the celebrated Ordinance of 1787 for the government of the Territory of the United States northwest of the Ohio river, we have the following restrictive condition:—"There shall be neither slavery nor involuntary servitude in the said territory." And when Ohio was admitted into the Union, the first born of this great territory, the act of admission contained an express provision in effect that the people of the State should never authorize slavery or involuntary servitude therein."

The admission of Missouri occupies a large space in the history of the nation. The Constitution of that State contained the following provision, art. 3, 26th sec. and 4th clause thereof:

"It shall be the duty of the Legislature, as soon as may be, to pass such laws as may be necessary to prevent free negroes and mulattoes from coming to and settling in this State, under any pretext whatever."

You will perceive that this clause is almost identical with the clause in our Constitution, which it is proposed in the act of admission shall be modified, and it was this clause in the Constitution of Missouri which excited the memorable contest in Congress, resulting in the admission of that State by the adoption of the following resolution:

"Resolution providing for the admission of the State of Missouri into the Union on a certain condition."

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Missouri is hereby admitted into the Union on an equal footing with the original States in all respects whatever, upon the fundamental condition that the fourth clause of the twenty-sixth section of the third article of the Constitution submitted on the part of the said State to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States in this Union shall be ex-

cluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States, Provided, That the Legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of said act; upon the receipt of which, the President, by proclamation, shall announce the fact; and thereupon, without any further proceeding on the part of Congress, the admission of the said State into the Union shall be considered as complete."

I refer you also to act of Congress for the admission of the State of Michigan into the Union. This act is entitled:

"An act to establish the boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed."

These conditions are express and fundamenial. They are declared to be so in the act itselt.

In 1846 Congress passed what is called "An enabling act," looking to the admission of the State of Wisconsin. In 1847 an act was passed by Congress finally and fully admitting that State into the Union. Both these acts contain explicit fundamental conditions, to be complied with by that State, before the act of admission could take effect

The joint resolutions of Congress for the admission of Texas form no exception to what was then becoming almost a general rule of Congress in their acts admitting new States. These resolutions contain several important restrictions and conditions which are worthy the consideration of those who seem to be so jealous of Congressional dictation. I have them here, but I will not detain the Convention by reading them.

I make one more reference. It is to the act of Congress admitting the State of Kansas. If I saw proper to go into the extraordinary history of Congressional legislation in reference to that State, I should be able to furnish an array of precedents in favor of the power of Congress to impose conditions upon the admission of new States which it would be difficult for the opponents of the exercise of such power to resist. I will content myself, however, with a few extracts from the final act of admission

Mr. President: I will not further transgress on the time and patience of the Convention by the citation of other Congressional precedents. I am happy, however, to be able to add to these high authorities that of my able colleague in the Senate of the United States, (Hon. John S. Carlile). I have here the original bill reported by the Committee on Territories for the admission of West Virginia into the Union, drawn by Mr. Carlile. That it was the mature result of Mr. Carlile's enlightened judgment, there can be no doubt, for Mr. Senator Wade, the chairman of that Committee, when discussing the question, said: "He (Mr. Carlile) of all the men in the Committee is the man who penned all these bills and drew them up. He is the man who investigated all the precedents to see how far you could go in this direction. It was to his lucid mind that we were indebted for the fact that there were no legal or constitutional barriers in the way of the proposition." We may, therefore, confidently refer to Mr. Carlile's bill as containing his deliberate opinion of the constitutional power of Congress in the premises, and of the expediency and propriety of so exercising that power.

The first section of this bill is exactly as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of West Virginia shall be admitted into the Union on an equal footing with the original States in all respects whatever, upon the following conditions, viz:

First. That there shall be included within the said State of West Virginia, in addition to the counties already enumerated in the preamble to this act, the following counties, as laid off and defined by the Legislature of the State of Virginia, to-wit: Berkeley, Jefferson, Clark, Frederick, Warren, Page, Shenandoah, Rockingham, Augusta, Highland, Bath, Rockbridge, Botetourt, Craig and Alleghany.

Second. That the Convention hereinafter provided for shall, in the Constitution framed by it, make provision that from and after the fourth day of July, eighteen hundred and sixty-three, the children of all slaves born within the limits of said State shall be free."

This section implies that it was competent for Congress in the admission of West Virginia, to make it a fundamental condition,

that a large additional section of territory, embracing sixteen counties, with a white population of more than a hundred thousand and a slave population of thirty or forty thousand, should be included. It also declares that Congress had the power to make our admission dependent on the amendment of our fundamental law, so that "the children of all slaves born within the limits of said State shall be free." These are, certainly, very important conditions. I do not say that Congress had not the power to prescribe them.

The second section of this bill of Mr. Carlile, Mr. President, I confess looks a little "dictatorial;" for, after providing for an election for delegates to frame an entire new Constitution for this proposed enlarged new State, it prescribes the qualifications of the delegates to the Constitutional Convention, and also the number of delegates each county should be entitled to elect, and finally provides that if the people should ratify the new Constitution formed by these delegates, then the President of the United States, shall, by proclamation, announce the fact; and thereupon, without any presentation of this new Constitution to Congress, the new State shall, ipso facto, become a member of the Union. I confess I can hardly subscribe these latter provisions as within the constitutional power of Congress. But then, sir, I have to acknowledge that I have not investigated this section with the deliberation which was, doubtless bestowed upon it by Mr. Carlile. Is it not strange—passing strange—Mr. President, that any person should be either so ignorant of the history of his own country, or, so far the victim of prejudice or passion, as, in the face of all these facts and precedents, to denounce the Act of Congress admitting the State of West Virginia into the Union, as a new policy and an invasion of the rights of the people?

But Mr. President, the real objection to this measure entertained by those opposed to it, is, I doubt not, that if the amendment proposed by Congress shall be adopted, West Virginia will become a free State. And as this is a question of great practical importance, I shall be pardoned for bestowing upon it a brief consideration.

Shall we, in forming this new State, organize it as a free State, or as a slave State? Shall we have only free labor, or shall we have slave labor also? I shall not say whether slavery is morally right or morally wrong. I shall make no argument upon the morality of slavery. I shall speak of it only in reference to the true

political economy of the new State. The question is, not whether slavery ought to be abolished in East Virginia, where there are 480,000 slaves. It is not proposed to disturb the institution there or elsewhere beyond the limits of the new State, within which there are only 7,000 or 8,000 slaves. All concede the right of each State to regulate its own domestic institutions. And in the exercise of this undoubted right, which affects ourselves alone, the question arises whether we should recognize, or exclude slavery in organizing our new State.

It cannot be presumed that the number of slaves now actually owned within the limits of the new State would be urged as an interest of such magnitude as might not be interfered with, if the general welfare would be promoted by emancipating them. That number is too small to stand in the way of the public good. But small as is this number, the act of admission only affects a part of them—not more than half; and this half are to serve their masters, those under ten years of age, till they are twenty-one, and those over ten and under twenty-one years of age, till they are twenty-five. Shall this small interest stand between us and all the advantages of a new State? Shall the welfare and prosperity of 330,000 of our people be forfeited because it might deprive some 2,000 or 3,000 people of the service of 3,000 or 4,000 slaves for a part of their lives? May not this small interest be surrendered for the public good, upon due compensation being made? We go into the quarries and forests and fields of our citizens and impress teams and materials to construct our public roads, because the public good requires it. Shall it be said we shall not remove the obstruction of a few hundred thousand dollars worth of slaves out of the great highway of our State to wealth, prosperity and power? Certainly, therefore it cannot be the value of the property or interest affected by the act of admission, which constitutes the objection of the opponents to this measure. It must be the value attached to slavery as an institution, and a desire to see it perpetuated and diffused all through our western counties, as it is in the eastern section of the State, which prompts this opposition to a division of the State.

But granting for the sake of argument, that slavery is all its friends claim for it, let me ask them whether they can ever hope to enjoy its blessings in West Virginia? Look at the geographical situation of West Virginia—located between the two great free

States of Ohio and Pennsylvania—and it will be apparent to all, that slavery could never exist here to any great extent, even if it were desirable to have it. The last census shows that the number of slaves decreased some 2,000 during the last decade within the limits of the proposed new State. It is a fact well established by experience, that slave labor is not profitable in raising grain, especially in growing and grazing stock—that for manufacturing purposes it is entirely valueless. It cannot, therefore, ever be valuable in West Virginia, where the climate and the soil are adapted only to the growth of cereals in a moderate degree, but to grazing and stock raising in an eminent degree; but more especially are our great interests dependent on the establishment of manufactories. Why then should we want slavery here? Or rather, why should we wish to remain connected with Eastern Virginia where slavery does exist, to be embarrassed and burdened by laws and by a State policy well adapted to protect and promote the interests of the section of the State where slavery does exist, but for that very reason not adapted to our section of the State where slavery does not and cannot exist? The policy of Virginia has been to cherish slave labor: but we have only free labor. Shall we forever submit to have our free labor placed on an equality with slave labor? Will the hardy sons of toil in our mountains agree to that?

Mr. President, on this great question of slavery in its relations to political economy, I cannot, with due respect to your patience, venture into the wide field of details before me. I must content myself with general conclusions. And in giving you these conclusions I will not ask you to rely on my own poor judgment; but I will borrow the sanction of names that will command your respect, and refer you to facts which cannot be controverted.

In the infancy of Virginia—when she was a colony—and before slavery had assumed its present unwieldy proportions, and when Virginia was desirous of laying a secure and wide foundation for her future welfare, as West Virginia is seeking to do now, the House of Burgesses declared:

"The abolition of domestic slavery is the great object of desire in these colonies, where it was unhappily introduced in their infant state. But, previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa. Yet our repeated efforts to effect this, by prohibiting and by imposing duties which might amount to prohibition, have been hitherto de-

feated by His Majesty's negative—thus preferring the advantages of a few British corsairs to the lasting interests of the American States, and to the rights of human nature, deeply wounded by this infamous practice."

Such was the language of our fathers. Eastern Virginia early and earnestly protested against the injustice of the mother country in forcing the evils of slavery there; but it seems that we have some persons amongst us here in West Virginia that desire to embrace it as a blessing.

When we were about establishing our nationality, George Mason, of Virginia, used this language:

"Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the immigration of whites, who really enrich and strengthen a country. They produce the most pernicious effects on manners.—Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities. He lamented that some of our eastern brethren, from a lust of gain, have embarked in this nefarious traffic.—As to the States being in possession of the right to import, that was the case with many other rights, now to be given up. He held it essential in every point of view that the General Government should have the power to prevent the increase of slavery."

This was the language of a statesman uttered before the judgment of men had been overcome by the influences of party spirit and sectional prejudice. As slavery increased in Virginia, these effects of it, so tersely described by Mr. Mason, became more and more apparent. I might multiply the number of witnesses of equal distinction whose testimony is no less explicit. In 1829-30, the public opinion of Virginia as to the pernicious influences of slavery on the material and moral welfare of the State was almost universal. Hear the language of a memorial addressed to "The Honorable Convention of Virginia, held in Richmond, in October, 1829." After declaring that "Virginia is in a state of moral and political retrogression among the States of the Confederacy," they proceed to delineate the causes of her declension. They say: "That the causes heretofore frequently assigned are the true ones, we do not believe. If they have any effect, as possibly they may, it must be extremely small and partial. We humbly suggest our belief that the slavery

which exists, and which, with gigantic strides, is gaining ground among us, is, in truth, the great efficient cause of the multiplied evils which we deplore. We cannot conceive that there is any other cause sufficiently operative to paralyze the energies of a people so magnanimous, to neutralize the blessings of Providence included in the gift of a land so happy in its soil, its climate, its minerals and its waters; and to annul the manifold advantages of our republican freedom and geographical position. If Virginia has already fallen from her high estate, and if we have assigned the true cause of her fall, it is with the utmost anxiety that we look to the future, to the fatal termination of the scene. As we value our domestic happiness, as our hearts yearn for the prosperity of our offspring, as we pray for the guardian care of the Almighty over our country, we earnestly inquire what shall be done to avert the impending ruin? The efficient cause of our calamities is vigorously increasing in magnitude and potency, while we wake and while we sleep. The outlets for draining off a portion of this pestiferous population of slaves, are fast closing against us. In the meantime our white people are removing in multitudes to distant regions, and those who remain seem destined to become martyrs to their love of Virginia, exposed to foreign enemies, to civil feuds, and to domestic insurrections, without the physical ability indispensable to their own preservation."

But the evil, like a cancer too long neglected, had so enlarged itself, and so thrust its poisonous roots into the vital part of the body politic, as that the most skillful statesman feared, that its removal might prove fatal to the life of the Commonwealth.

It was on the floor of that Convention, in 1829, composed of a body of men than whom the world never presented more illustrious —of a Madison, a Monroe, a Marshall, a Doddridge, a Randolph, a Barbour, and others a little less distinguished, that Benjamin Watkins Leigh, the intellectual peer of them all, used this memorable language:

"I wish, indeed, that I had been born in a land where domestic and negro slavery is unknown. I wish that Providence had spared my country this moral and political evil. It is supposed that our slave labor enables us to live in luxury and ease, without industry, without care. Sir, the evil of slavery is greater to the master than to the slave."

This, sir, was the language of that great man, uttered in a

speech wherein he was resisting the abolishment of slavery—resisting it because he believed the evil, on account of its extent and peculiar relations, to be irremediable. Will we of West Virginia not be wise and avoid such an evil while we may?

But, sir, I wish to refer to some matters of fact pertinent in this connection. In 1840 the total population of Virginia was 974,622; of Ohio, 230,760. In 1860 the population of Ohio was 1,980,329; of Virginia 1,596,318, so that the increase of population during fifty years in Ohio was 1,759,569, whilst in Virginia it was only 641,696. And yet, in extent of territory, in variety and value of mineral resources, in natural commercial facilities and advantages, in climate, and in all the natural elements of wealth and prosperity, Virginia vastly excelled Ohio. How, therefore, are we to account for the rapid progress of the latter beyond the former? There is but one answer—slavery. Look at the rich, inexhaustible mineral resources of West Virginia—our iron, coal, oil, slumbering beneath our hills, cropping out on our mountain sides, everywhere inviting the hands of industry and development. What has paralyzed that hand? What has kept capital, and skill, and population from our midst? Why are our perennial streams forever wasting away unappropriated and useless? Why are we without roads and markets except where foreign enterprise has come to our relief? The answer is the same—slavery. Shall we still cling to the instrumentality of our impoverishment now when we have an opportunity of escaping from it? Or, rather, will we not say to capital, and skill, and labor, come—open our mines, build our roads, people our valleys, make us rich and prosperous, and powerful. This alternative is now before us. Which shall we choose?

But I wish to institute some further comparisons. In 1790 the total population of Virginia was 748,318—of New York 340,120; or 408,198 less than that of Virginia. In 1860 the population of New York was 3,880,735—of Virginia 1,596,318, or 2,284,417 less than that of New York. Do you suggest that a large proportion of this great increase in population in the State of New York is composed of the people of the city of New York, and as Virginia is an agricultural State, the comparison I have instituted is not a fair one? But I ask why is not the city of New York at Norfolk—or rather, why is not Norfolk what the city of New York is? and more than it is? The harbor at Norfolk is better. The geographical position is better whether for foreign or domestic commerce. Why,

then, is not the wealth, population and power, political and physical, of New York, in the genial clime of Virginia instead of on the icy shores of the North river? Why is not Virginia the Empire State of the confederacy to-day rather than New York? The same answer still comes back—slavery.

The Hon. John B. Henderson, of Missouri, lately instituted the following comparison, discussing in the Senate of the United States the economical effects of slavery:—"Missouri commenced her career as a State in 1820, with a population of 66,557 inhabitants. Illinois at the same time had but 55,162. Forty years elapse, and Missouri, with superior advantages, presents a population of 1,182,317, while Illinois shows 1,711,753. The ratio of increase in Illinois for the ten years preceding 1860 was 101 per cent., while that of Missouri was but 73 per cent. In 1810 Kentucky had a population of 406,511. Ohio at the same time had 230,760. Fifty years pass by, and Kentucky has 1,155,713, while Ohio shows 2,339,599. In 1810 the population of Kentucky is nearly double that of Ohio; in 1860 the population of Ohio is more than double that of Kentucky. The facts are plain. What is the cause? It is slavery.

I beg leave also to refer to an interesting article recently published by Hon. Robert J. Walker, whose public life, national reputation, political antecedents and eminent abilities, entitle his opinions to the highest consideration in this connection. He extends the comparison between Illinois and Missouri to the value of lands, extent of internal improvements, cities, and to agriculture, manufactures and wealth; and produces an array of figures and facts in favor of free labor over slave labor that is startling.

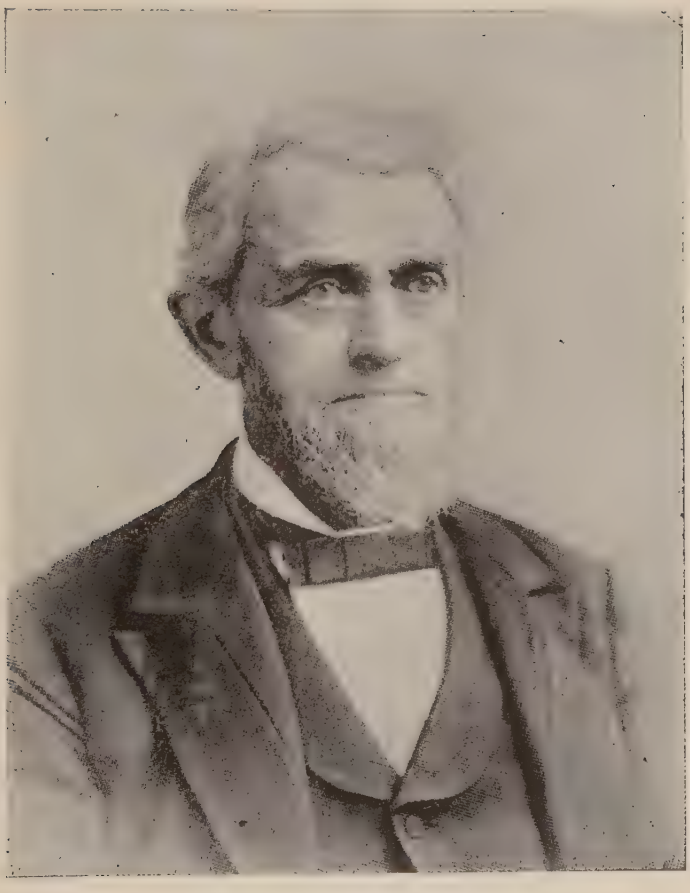
Mr. President, there is no sophistry which ever can evade the logic of these plain facts. I do not know how any candid man can fail to see the advantages to West Virginia of a separate State organization. Nor will this separation be at all detrimental to any interest of Eastern Virginia. If it would be, we might pause—we might hesitate. But it will not, cannot be. It will not affect the title to a single slave outside of our own borders. It will leave slavery in Eastern Virginia precisely as it was and is. It will derange no mutual interest; for there is little that is common to both sections. The Allegheny Mountains are the natural boundary of Eastern Virginia on the west, marked out by the Almighty hand. Their recognition as such would only be obedient to the commands of nature and Providence. What trade, or traffic or commercial

interest of East Virginia would this separation injure? None at all. For we never had any commercial relations with that section of the State, and never can have. What social relations or interests would be disturbed? None. The social habits and characteristics of the two sections are radically different. In the East the tone of society is aristocratic; in the West it is democratic. In the East white labor is not reputable; and in the West the toilers in our fields and factories acknowledge no social inferiority. It was when speaking of what he called the "peasantry" of the West, that Benjamin Watkins Leigh, in the Constitutional Convention of 1829, said that in political economy slaves fill exactly the same place as the white laborers of the West. "What real share," said this illustrious representative of the aristocratic sentiment of Eastern Virginia, "What real share, so far as mind is concerned, does any man suppose the peasantry of the West * * * can or will take in the affairs of State?" Yes, sir, this was the sentiment of the Tidewater and Piedmont districts of the State at that time—an assumption of social and political superiority based on slave labor and slave property. Nor has this sentiment at all abated. It was at the bottom of the present rebellion. It rankles to-day in the bosom of the aristocracy of East Virginia, and of the whole South, more intensely than every before. Mark the language of the Richmond Whig of a late date. It is but the index of what is called in East Virginia "The ruling class:"

"We have committed many errors in our treatment of the Yankees. Not the least has been in regarding them as something better than they really are. They are by nature menials, and fitted only for menial duties. They are in open and flagrant insurrection against their natural lords and masters, the gentlemen of the South. In the exercise of their assumed privileges they deport themselves with all the extravagant airs, the insolence, the cruelty, the cowardice and love of rapine which have ever characterized the revolt of slaves. The former leniency of their masters only serves to aggravate the ferocity of their natures. When they are again reduced to subjection, and taught to know their place, we must take care to put such trammels about them that they will never have an opportunity to play these tricks again."—Richmond Whig.

Against these arrogant assumptions and the policy growing out of them, we have been warring for the last forty years.

Sir, I rejoice to see here my distinguished friend, (Col. Smith).



Chester D. Hubbard.

Well do I remember his noble defense of West Virginia in the Convention of 1851. Well do I remember how his manly, honest voice was raised in the capital of the State against the despotism of the eastern majority based on slavery, when that majority were attempting to fasten on him and his children, and upon us all, the nefarious principles of the mixed basis of representation.

Do not these perpetual conflicts and antagonisms of opinions and policy constitute unanswerable reasons for distinct municipal organizations of the two sections? Do they not point to a division of the State as a means of peace, and of establishing harmonious relations between the two sections, by leaving each free to regulate its own municipal concerns according to its own will and wishes?

Look at the map of Virginia. All over the State east of the Alleghenies you see a net-work of railroads, affording every needful facility of transportation and travel. West of those mountains there is not a mile of such facilities constructed on State account, or by the authority of the State. Even the representatives in our Legislature have been compelled to travel far away through other States and districts in order to reach our own capital. Do we actually love these embarrassments and disabilities so well that we are determined to entail them on our children forever?

But, sir, I am told that all the mighty advantages and blessings of a separate State organization, will be more than counterbalanced by the evil of—what? What is the unfortunate drawback in these magnificent prospects of West Virginia? Why, sir, it is alleged that we shall be overrun with free negroes! I have learned that this objection has been seriously urged by some men—that there are those in our midst, who have actually ventured so far upon the supposed credulity, and want of common sense of the people, as to address to themsuch an argument as this. Sir, I beg pardon for this style and tone of expression. I mean no offense to any person. But I confess that I am unable to restrain the expression of mingled surprise and indignation at this bald attempt to abuse the minds of the people by a fallacy so transparent. Why, sir, where are the free negroes to come from that are to overrun us? Not from East Virginia. The division of the State will not affect the status of slavery east of the Alleghenies. If the free negroes in East Virginia have hitherto declined to come to West Virginia, why should they come now or hereafter? Will they come from Ohio? What is there in West Virginia that would attract free negroes

from Ohio? Would they come from Pennsylvania?—There is no more reason why they should abandon Pennsylvania than Ohio to come into West Virginia. Where, where, I ask again, are the free negroes to come from that are to overrun us? There are only 36,000 free negroes in all the populous State of Ohio, and only 56,000 in the great State of Pennsylvania. There is nothing in the soil or climate of West Virginia to attract a free negro, but much to repel him. Besides the kind of labor which will be required here will not be of a character to induce his employment.

But supposing we had an attractive soil and climate for the free negro—supposing we were surrounded by States where free negroes abounded—supposing free negroes began to immigrate into our borders, what then? Could we not by a change in our organic law easily provided under our Constitution, or by a simple statute, prohibit them from coming into our midst, as Indiana, Illinois, and perhaps other States have done? Does not the merest tyro know so much as this? The people have only to say to their representatives in the Legislature, pass such a law. The whole question is completely under their control. And yet there is an effort made to get up a clamor about the danger of free-negro-ism. Sir, I should be ashamed to attempt such a fraud upon the public credulity.

But, sir, I am happy to say that the work is already done. The people and their representatives, have already been relieved of the necessity of prohibiting free negroes from coming into our new State when it is organized. Yes, sir, by the law as it now stands, and will stand the very moment our admission is complete, it will absolutely require the passage of a law to authorize it, before a single free negro outside of our territory, dare attempt to become a resident amongst us. That such is the fact every lawyer knows, and he who does not know it, is not well qualified to teach the people.

In chapter 198, section 32, of the Code of Virginia we have this explicit provision:

"No free negro shall migrate into this State."

In chapter 107, section 1, of the same Code, we have another provision in these words:

"No negro emancipated since the first day of May, 1806, or hereafter, or claiming his right to freedom under a negro so emancipated, shall, after being twenty-one years of age, remain in this State without lawful permission."

I may refer to other provisions in the Code of Virginia. In section 31, chapter 198, is the following clause—"Any free person who shall bring a free negro into this State, shall be confined in jail and fined."

It is also provided in section 32 of said chapter, that—"If a free negro not authorized by law to do so, come into, or remain in this State, any person may, and every sheriff, sergeant, and constable is required, to apprehend and carry him before some justice, who shall require him to pay one dollar to the person apprehending him, and give bond in a penalty not less than $100, to leave the State in ten days and not return. If the free negro fail to pay the fee aforesaid, or give said bond, he may, by order of the justice, be punished with stripes, and repeated so long as he remains in the State."

I say nothing of the humanity and propriety of these provisions. But surely those apprehending danger from the influx of free negroes, could not devise more stringent measures to prevent it. And now, sir, I refer you to article 11, section 8, of the new State Constitution. It reads thus:

"Such parts of the Common Law and of the Laws of the State of Virginia, as are in force within the boundaries of the State of West Virginia, when this Constitution goes into operation, and are not repugnant thereto, shall be and continue the laws of this State until altered or repealed by the Legislature."

What then will be the effect of the admission of the new State into the Union, on this question? It will be this, that thereafter no free negro can come into West Virginia, nor can those who are in it, or who, under the operation of the condition proposed by Congress, if adopted by us, will hereafter become free, remain in it, unless they get permission according to law—that is to say, no free negro outside of the new State can come into it, and all those in it may be compelled to leave it. And yet we are warned not to vote for the new State, because if we are admitted under the act of Congress we shall be inundated with free negroes. Sir, where does this warning voice come from? But, sir, I will not longer detain the Convention in exposing the fallacy of a pretext so flimsy.

There is another objection invented to embarrass this great measure. It may be well enough to bestow upon it a passing notice. Appeals are being made, I understand, to the fears of the people lest they should, by voting for the new State, involve them-

selves in debt by an increase of expenditures in the construction of necessary public buildings, &c. Of course, sir, this will involve some expense; not, however, exceeding a few hundred thousand dollars. I will venture the assertion, that the simple act of complete admission as an independent State will, on the very moment it takes place, increase the value of every tax payer's estate, within the limits of the new Commonwealth, to the amount of five hundred per cent. on what he will ever be required to pay for all the public buildings and expenses of organizing the new State. I believe, sir, that on the day when we shall be finally and completely made an independent State of the Union, every landholder within our borders will be worth more, by an average of from twenty-five to forty per cent. than he was the day before. And every merchant and mechanic will have secured to him the certain prospect of an increased and better business, greater by an hundred fold than ever they enjoyed before. Such an objection, when contemplated in the light of the great and manifold advantages of a new State, sinks into insignificance.

As to our assumption of a just and equitable portion of the debt of Virginia, existing at the time of the ordinance of secession, that is eminently right and proper. We should not deserve to be admitted into the Union on any other terms. Any attempt to evade this would be dishonorable. But, sir, how will our admission as a new State increase our liabilities in this behalf? If we remain undivided, will we not be made to pay our equitable proportion of that debt of Virginia? Nay, if the policy of the Eastern majority of our legislative councils shall be hereafter as it has been heretofore, we shall be made to pay more than our equitable proportion of that debt. The same discriminating and unfriendly legislation against which we have been remonstrating for forty years, will be fastened on us and our posterity forever. We shall simply be taxpayers to build roads and canals for the benefit of that sectional majority who have no identity with us in geographical location, social habits, or commercial relations, and not much in political principle. Shall we still, and forever, with canine docility and compliance, continue to lick the rod with which we have been beaten?

But, sir, this is not all. We shall, by remaining in the old State, not only be liable to the payment of our pro rata share of the public debt of Virginia, as it existed when the ordinance of se-

cession was passed, but we shall also be subjected to the payment of, at least, a proportioned share of the enormous debt which Virginia has incurred since the passage of that ordinance. It was bad enough to be compelled to pay taxes to build railroads and internal improvements on the other side of the Blue Ridge, which few of us would ever be able to see, and none of us ever derive any benefit from. I say it was hard enough to be compelled to pay that old debt. But it was contracted according to law. The good faith of the State was pledged, in lawful form, to redeem it, and therefore, no good citizen dare shrink from the obligation to pay it. But what obligation is there resting upon us loyal West Virginians to assume this new debt? How and for what purpose has it been created? To forge weapons to slaughter our fellow citizens, our fathers and sons, and brothers! To raise means to destroy our property, our lives, and our liberties! Yes, sir, it was for these hellish purposes this new debt has been created. And that these purposes have been but too fully accomplished, let the blood of thousands of our fellow-citizens, shed by the murderous hands of the Eastern soldier and Western guerillas, this day crying from the earth to heaven, answer. Look upon the ashes of many a happy homestead; look upon the anguish of many a stricken heart; upon the widowhood and orphanage all through our once happy hills and homes. These are the results contemplated and accomplished by the creation of this new debt of Virginia. Where is the man that will advise the people of West Virginia to be taxed to pay such a debt as this? Where is he? And yet, so surely as we remain in Virginia, undivided, so surely will we be compelled to pay this new debt. The men who would create such a debt for such a purpose, will not hesitate to make us pay for it after these purposes are accomplished. And what is the amount of this new debt? What will it be when the war is terminated? No human being can now tell. The debt of Virginia, when the ordinance of secession was passed, was at least forty millions. It is now, perhaps, eighty millions. If the war lasts a year longer it will be a hundred millions. And yet there are those who are advising the people that they should resist the admission of the new State because it would involve the expenditure of a few hundred thousand dollars in the construction of public buildings, &c.; whilst, by adhering to the old State, and rejecting separation, it will subject them to the burden of a new and additional debt contracted since the ordinance of secession, amounting to fifty,

sixty, or perhaps, a hundred millions of dollars. Give us a new State, and our existing rates of taxation will be lessened. Remain as we are, and they must necessarily be increased more than a hundred fold. I cannot appreciate such economy as this.

Mr. President, there are those who are so uncharitable as to suppose that underlying these specious but fallacious objections, there is concealed a secret hope that the rebellion will succeed, and that West Virginia will be dragged into the Southern Confederacy, like the captive princess chained to the triumphal car of the ancient Roman conqueror? Can it be possible that these pretexts are assumed to cover up a design so disloyal and fratricidal? Are they mere diversions of the enemy to distract our attention from the true issues?

Why, Mr. President, what would be the condition of the people of West Virginia in a Southern Confederacy?—with all our waters, with most of our trade and traffic and travel, flowing to the North? —with little or no trade, or travel, or commerce, or social intercourse with the remainder of even our own State? Cut off from all these advantages by impassable geographical and natural barriers, not to be overcome by any available amount of capital or skill—compressed like a driven wedge between the two mighty States of Ohio and Pennsylvania, which, if hostile to us, could sweep us away with a "besom of destruction," before relief could reach us? And would not these States be hostile? Does not universal history teach us this signficant lesson, that no contiguous people, speaking the same language, possessing the same religion, accustomed to the same civil institutions, ever did live, in peace, under distinct and independent governments, with no natural barriers to separate them? Perpetual war or consolidation is the inevitable result of such a condition.

Sir, we have recently heard a great cry for peace. No man earnestly desires peace more than I do. But, sir, there is no peace but in the union of these States. Disunion is perpetual war. To establish two confederacies of the United States is to inaugurate a war which will have no end, save in the utter destruction of each, or in their consolidation into one government; and such a consolidated government, would, most probably, be a military despotism. Let West Virginia, therefore, be attached to a Southern Confederacy, and we would be the prey and the sport of hostile neighbors; or if any attempt were made to protect us, we should be the mere

battle ground of the opposing powers, and be crushed beneath the iron heel of war. In this event, frowning forts would cast their dark shadows from either shore upon the peaceful bosom of the beautiful Ohio, where hitherto we have only been rivals in trade and commerce and good fellowship. Standing armies would line these shores from Ceredo to New Cumberland, and from New Cumberland to the Fairfax stone; and we might as reasonably expect luxuriant verdure where the blasts of the sirocco sweep across the Arabian deserts, as that the arts and pursuits of peace should flourish in West Virginia, under such malign influences. Sir, how long would it be before frowning battlements would crown those Ohio hills, yonder in sight commanding your city? How long before your city would be in ruins, and your wives and children homeless and houseless? We should but reproduce the history of the wars and desolations of the Scottish border—happy, if at last, after centuries of rapine and murder, and the unceasing conflict of armies, we should acknowledge the folly of our unnatural separation, by again "joining together" as did Great Britain and Scotland, that which God and nature had ordained should never "be put asunder."

Mr. President, I feel that I have trespassed too long on the patience of the Convention. Other topics suggest themselves for consideration; but I forbear to discuss them. I beg leave to submit a few remarks of a general character, and then I shall have done.

The adroit opponents of this great measure, despairing, perhaps, of the success of their arguments, are bestirring themselves to enlist in their behalf the passions and prejudices of party politics.

Sir, what have party politics to do with the division of the State? Will any man be less a Democrat, a Whig or Republican after the admission of the new State into the Union than he was before? Will not all offices, Federal, State and county, be precisely under the same control after admission as they were before? Do you, or do I condemn the President's emancipation proclamation? Or his suspension of the privilege of the writ of habeas corpus? Are we dissatisfied with his policy in reference to slavery? Surely the admission of the new State cannot be construed into an approval or disapproval of any of these things. It has no connection with them whatever. We shall be as free to approve or condemn in the new State as in the old. It will not change our relations in the slightest degree, towards the Pres-

ident or his policy, or towards any party or policy. Let the question, therefore, stand or fall upon its own merits. Let not the people be deceived by the clamor of artful political leaders, who, under the guise of party fealty, are seeking to defeat a measure having no connection with party politics, but which is of vital importance to the interests of all. I trust, therefore, that we will not suffer ourselves to be betrayed by any such mischievous devices; but shutting our ears to all these false suggestions, and turning our eyes away from the dreary scenes of the past, we will listen to the voice of duty alone, and fix our eyes only upon the bright prospects awaiting us in the future, if we do but accept the rich boon of proffered independence before us. Sir, I do feel that the long and chilly night of western destitution and demoralization is passing away forever; and that a new era is dawning upon us—an era of light and life which shall quicken the long dormant energies of our people, reveal and develop the abounding treasures everywhere hidden beneath our mountains and valleys, attract labor and capital and skill from every quarter of the land, and elevate us to that condition of moral, intellectual and physical prosperity and happiness which we have a right to enjoy.

But we still hear it said in certain quarters—"Wait for the proper time." Sir, now is the proper time. This same objection has been urged from the beginning; and it was in reply to it that Mr. Carlile in August, 1861, in the Convention then held in this city, so forcibly said:

"Why, sir, I was surprised to hear gentlemen enumerate difficulty after difficulty, all of which, as was said on yesterday by my friend from this city, (Mr. Paxton,) have existed and will continue to exist throughout all time with the exception of embarrassment to the administration in this struggle. The reasons are assigned by gentlemen who tell us they are in favor of a division at a proper time, and that proper time is when all Virginia is represented in the Legislature, and that time will be when you never can get the consent of the Legislature. Now, sir, I have my own views about the position of gentlemen when they tell me they are in favor of a division of the State and say they intend to postpone it until they never can get the consent of the Legislature."

Has anything occurred since that time to render the admonition of Mr. Carlile less necessary now than it was then? No, sir. Let us, therefore, not be deceived by this clamor for delay. Why

should we hesitate to accept the great advantages before us? We have complied with every requisition of the law. We have fulfilled every constitutional obligation. And now wealth, and popular education, and material and moral progress and development, and political equality, and prosperity in every department of political economy, so long withheld from us, are all within our grasp. The "golden moment" has come at last. If we fail to improve it we shall deserve the degradation in which our folly will have forever involved us."

Many thousand copies of the foregoing address were printed in both English and German and distributed broadcast throughout the territory of the new State, and doubtless had much to do in moulding public sentiment on the issues.

The Convention itself had not much difficulty in agreeing to the amendment. It was almost unanimously adopted, and after issuing an address to the people, and providing for taking the vote of the people, it adjourned.

The vote on the amendment was taken on the 26th of March, 1863, as provided for by the Convention. The result, as certified by the Convention Executive Committee, was as follows:

	For.	Against.
Total vote cast in 38 counties - -	26,632	534
Soldiers' vote, taken out of State - -	1,689	38
Totals - - - - - -	28,321	572
	572	
Majority in favor - - - - -	27,749	

The result as above stated was certified to the President of the United States, in accordance with the Act of Congress. And thus the last step, but one, toward the consummation of the long contest for a new State, had been successfully taken. The State of West Virginia was about to blaze forth as a fixed star.

CHAPTER XV.

THE STATE OF WEST VIRGINIA AN INDEPENDENT SOVEREIGNTY.

The battle had now been fought and won. Henceforth the State of WEST VIRGINIA was to be an additional Star in the galaxy of the United States.

"After having passed the discussion of Congressional halls, the Cabinet chamber and on the hustings with as much zeal and ability as perhaps any other question ever was, it had received the recognition of the several departments of the National Government. It had also been tried at the grand assize of popular suffrage, and a true verdict rendered by the American people. And last, but not least, it had been tried by the wager of battle."

But one step more to a full consummation: The Act of Congress provided,

"That whenever the people of West Virginia shall, through their said Convention, and by a vote to be taken at an election to be held within the limits of the said State, at such time as the Convention may provide, make, and ratify the change aforesaid, and properly certify the same under the hand of the president of the Convention, it shall be lawful for the President of the United States to issue his proclamation stating the fact, and thereupon this act shall take effect and be in force on and after sixty days from the date of said proclamation."

Every requirement of the Act had been fulfilled on the part

of the people of Western Virginia. The forces of opposition had been withdrawn and only the formal declaration of the President was necessary to usher in the new State. Senator Carlile, about this time, had introduced a bill in the Senate, enacting:

"That said proclamation shall not be issued unless the conditions of said Act shall have been ratified by the people, after an opportunity to vote upon the same has been afforded to the voters in each of the counties named in the said Act—nor shall it be issued if it shall be made to appear to the President by satisfactory evidence that the people have been prevented from having the same freely canvassed before them, or that they have been deterred from voting by the presence of military force, it being the intention of Congress to secure to the voters of every county named therein the free exercise of the right of suffrage thereon."

This was the last note of opposition. It was referred to the Judiciary Committee, which reported adversely, and when it was moved to take it up for consideration, the Senate refused by a vote of 12 to 28.

On the 20th day of April, 1863, President Lincoln, acting under authority of the Act of Congress, issued and published the following proclamation:

OFFICIAL:

By the President of the United States of America.

A PROCLAMATION.

Whereas, by the Act of Congress approved the 31st day of December last, the State of West Virginia was declared to be one of the United States of America, and was admitted into the Union on an equal footing with the original States in all respects whatever, upon the condition that certain changes should be duly made in the proposed Constitution for that State;

And whereas, proof of a compliance with that condition, as required by the second section of the Act aforesaid, has been submitted to me;

Now, therefore, be it known, that I, Abraham Lincoln, Presi-

dent of the United States, do hereby, in pursuance of the Act of Congress aforesaid, declare and proclaim that the said Act shall take effect and be in force from and after sixty days from the date hereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this 20th day of April, in the year of our Lord one thousand eight hundred and sixty-three, and of the independence of the United States the eighty-seventh.

By the President: ABRAHAM LINCOLN.

WILLIAM H. SEWARD, Secretary of State.

Thus on the 20th day of June, 1863, the State of West Virginia became a legal entity. It needed only to be organized and have its governmental machinery set in motion. And it was not long about it.

The Convention which framed the Constitution had provided that if a majority of the votes were in favor of the adoption of the Constitution, an election should be held on the fourth Thursday of May following, for members of both branches of the State Legislature, and all the State and county officers provided by the Constitution. Accordingly this election had been held in nearly all the counties, and at the time when the proclamation of the President was made, these officials were ready to take their places. The following was the first corps of State officers, elected without opposition:

Governor, A. J. Boreman, of Wood county; Auditor, Samuel Crane, of Randolph county; Treasurer, Campbell Tarr, of Brooke county; Secretary of State, J. E. Boyers, of Tyler county; Attorney General, A. B. Caldwell, of Ohio county; Judges of the Supreme Court, R. L. Berkshire, of Monongalia county; W. A. Harrison, of Harrison county; J. H. Brown, of Kanawha county.

These officers met at Wheeling, which had been designated as the seat of government of the new State until permanently

located by the Legislature, on the 20th of June and organized the new government.

The Legislature also assembled on the same date, and continued in session until the 11th of December following. As the first Legislature of the new State, a vast amount of important and difficult legislation devolved upon it. In fact it organized the new State on an original basis, passing many new and far-reaching measures. It employed Daniel Lamb, a leading lawyer of Wheeling, to codify the laws of the new State, which he did with much ability and satisfaction; taking the old and admirable Code of Virginia, and adapting it to the new order of things.

The Legislature also elected two Senators to represent the new State in the United States Senate. Senators Willey and Carlile represented this section so long as it was a part of the old Commonwealth, and were elected by the restored government of Virginia. But now that Northwestern Virginia had become an independent State, while that fact did not vacate the seats of the Virginia Senators, it entitled West Virginia to have two Senators in her own right.

Senators Waitman T. Willey and Hon. P. G. Van Winkle, of Wood county, were elected the first U. S. Senators from the new State. They repaired to Washington with their credentials, and although their appearance at the bar of the Senate was the occasion for formal objection to their admission by those who had opposed the admission of the State, and held that it had no legal existence, this was only a form of graceful submission to the inevitable. They were duly admitted and the Congress of the United States thus gave its full and final recognition and endorsement to the State of West Virginia.

The Legislature of the restored government had provided that the new State should not be without revenue. It had enacted that the proceeds of all fines, forfeitures, confiscations, and all uncollected taxes accruing or to accrue within the coun-

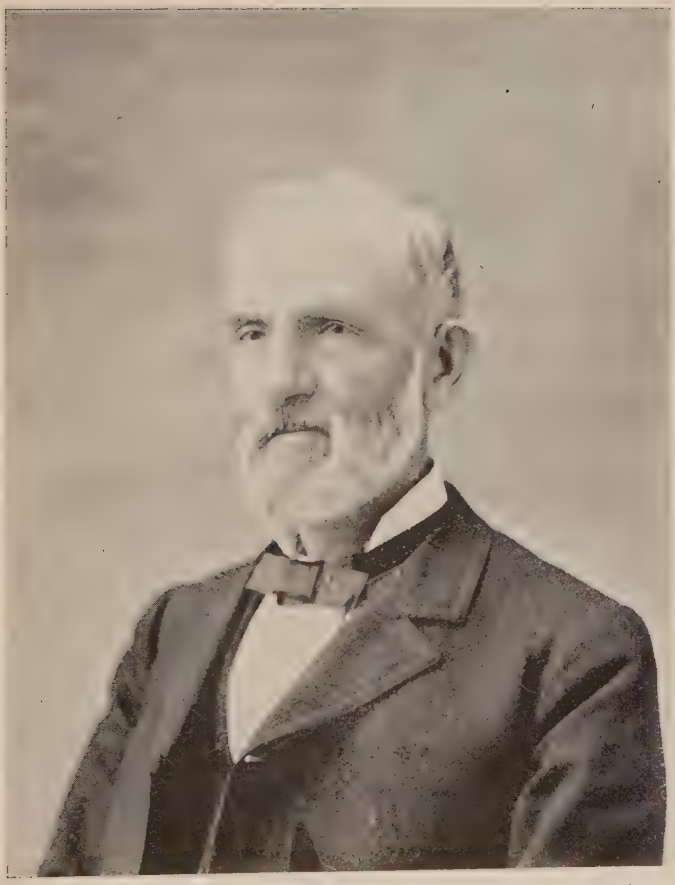
ties embraced within the boundaries of the new State, should belong to it; and in addition had generously appropriated the sum of one hundred and fifty thousand dollars to meet its immediate necessities. It was the case of friends dividing with friends. The power that was parting with its territory was showing solicitude for the well being of the power that was receiving it. The same men that were administering the government of the State that was being dismembered, were coming into possession of the new government they were setting up. They were naturally disposed to be generous to "our friends the enemy."

In the meantime Governor Pierpont had quietly and gracefully retired from the new State Capitol, and taken the government of Virginia over to Alexandria, leaving his parting blessing with the new born child. At Alexandria he continued to administer the government of Virginia in the interest of the Federal authority, while Governor Letcher, at Richmond, continued to administer it in the interest of the Confederate authority.

The new State of West Virginia has come up out of the storm to rest peacefully and permanently, as an independent sovereignty, upon the rock of the Union of States. Who will say that the pioneers of this conception and consummation have not builded better than they knew? She has lost nothing and gained everything by the severance. She has not even lost that to which she so tenaciously clung—the institution of slavery—because the war wiped that from the continent. She has freed herself from the odious discriminations and inequalities of the parent Commonwealth. She has a government administered in the exclusive interest of her own territory. She has a homogeneous population with a common ambition and congenial tastes. She has a Constitution in harmony with the most progressive ideas of the time. She has developed, and is developing her natural resources to great profit. She has un-

measured deposits of coal and oil and ores; she has great forests of valuable timber; she has fertile valleys and beautiful hills that are productive to their very crests; she is celebrated for her beautiful landscapes her salubrious and healthful climate; her people are intelligent industrious thrifty and happy; and this little Mountain State is big with the promise of all that makes a great and growing Commonwealth.

THE END.



James Clark McGrew.

SKETCHES OF PIONEERS IN THE FORMATION OF THE STATE OF WEST VIRGINIA.

INTRODUCTORY.

There are a few men whose lives were so closely linked with the work of erecting the new State of West Virginia that any history which did not associate their names intimately with the events of that period would be open to the criticism of ingratitude and incompleteness.

To the people of our State who still survive that period of our history, the names of these old pioneers in that movement, are household words. They have almost all passed to their final reward, but their memory deserves to be handed down to succeeding generations and perpetuated in the gratitude and homage of their children's children.

Whatever West Virginia is, and is to be; whatever benefits and benefactions have come to us from being an independent State; whatever calamities we escaped in being rescued from alliance with the fortunes of the South; whatever of desolation and devastation to our homes and our possessions were averted by being saved from becoming the theater and battleground of the most destructive war of modern times; whatever of happiness, and prosperity, and pride, and promise of the future this Mountain State now enjoys, is due to the heroism, and courage, and consecrated patriotism of these men who imperiled their lives and property to build for us a State government

where all these blessings might be made possible and permanent.

To those only who lived through that trying period can the sacrifices and struggle that these men made be appreciated. It required genuine courage. It required manhood of a high order, in those times, to take a position and maintain it openly and boldly. Men were divided along lines of bitterness and intensity of feeling that is not conceivable in times of peace. Human life was held at a cheap estimate. A spirit of hate and revenge ran rife through the whole population and no man's life was safe who essayed to lead any faction of his fellow citizens. It was under such conditions that these pioneers of the new State project did their work and fought their battle to a successful result.

It is not designed that these sketches which follow, shall assume the dignity of biographies, but rather of brief character sketches that will give the reader simply an impression of the personality of the men to which he is introduced. To get a true picture of the inner life and character of these men, resort has been made to members of their families, by whom some of the sketches have been written. The author has, by permission, also drawn upon the well-known work entitled "Prominent Men of West Virginia," prepared largely by Governor George W. Atkinson, who wrote from personal acquaintance, and whose pen pictures are well drawn and true to life. Other names than those in this list might very properly be included, but none who *are* included could be properly omitted from a group of the Pioneers of West Virginia.

WAITMAN T. WILLEY.

Waitman T. Willey was a man of very marked personality. Nobody ever knew him who forgot him. Nobody ever came under his influence who was not conscious of the force of a strong character. No opponent ever heard his speech who was not shaken in his convictions, if not entirely converted. There are men living who heard his oratory as children who carry the impression in old age. There are men whose lives have been changed and the whole current of their career controlled by the effect of a single address or word of his advice.

He was one of those men whose spirit diffuses itself as the fragrance of the flower is diffused through the atmosphere about it. It was not his disposition or habit to cultivate friends, but men were drawn to him spontaneously. His outward manner was not effusive but formal, yet he was greeted warmly by his most casual acquaintances, and those who had simply seen him and knew his face presumed on acquaintanceship. Probably no man ever made friends more unconsciously or met with more surprises in the warm greetings of those who, to him, were entire strangers. It was the recognition in him of that genuine manhood, that kindly spirit, that unassumed and unassuming fellowship which makes us all akin. Human nature, however depraved, reverences that which is good. The basis of all genuine friendship is goodness. We may admire

but we never love a character that has not its roots in the moral virtues.

This confidence in his integrity, these manifestations of affection for him, the reverence he inspired, were a matter of character. They were the spontaneous responses of the human heart to the genuine. They came not only from his intimate associates and friends, but from the casual acquaintance and stranger among all classes. A short time before his death, while going to the railroad station, he stepped from his carriage to the pavement where an humble woman was sweeping. She ceased her work, looking earnestly into his face. He bade her "good morning," and extended his hand. She shook hands, broke down in weeping, and walked into her house without uttering a word. This silent influence of his personality was manifested not only among people of humble station in life but the higher classes. A distinguished man of affairs, occupying a high public position, on coming to his home town, said, "I have often heard of Senator Willey, but never saw him, and would like to meet him." His friend, to whom this was spoken, volunteered to call with him and introduce him. This was durng the last year of Senator Willey's life and his health was very frail. Their call was less than a half hour's duration. But so impressed was the visitor with his new acquaintance, that he continued to declare with much enthusiasm that he believed Senator Willey was the greatest man he ever met. Evidently this estimate by a man who was associated with the great men of the nation, was not formed from any words of wisdom that made up the conversation of a half hour's call. It was the effect of a great character which needed not to be voiced in speech, but diffused itself as a magnetic influence that was felt by all who came into his presence.

Senator Willey had such a precise and methodical manner of speech; his mental processes were so analytical and perspicuous, that when he stated a proposition there seemed to be noth-

ing wanting to make it conclusive and comprehensive. It stood out as a picture thrown upon canvas by the skilled artist. This was true not only in matters of moment but in the statement of an ordinary fact in conversation. The exact word to convey every shade of meaning was dropped smoothly into its place with a nice discrimination. Asked about his health by his physician, he would state his condition with more exactness and clearness than the physician himself could frame a professional diagnosis. While there was never the appearance of a studied or stilted effort at expression, there was the evidence of perfection in culture. He never made a grammatical blunder; he never misspelled a word in his written expressions; he was never awkward in phraseology; he was scholarly without pedantry; wise without self conceit; and manifested a broad culture without any effort to do so. It would seem to be a contradiction in so serious a character as his, dealing during a life time with matters of serious moment, and delving in the prosy labarynths of the law, to find associated with this any pronounced sense of humor. Yet few men possess a keener sense of humor than his. At times it took complete possession of him and he was carried away by the ridiculous phase of a matter. He was a good mimic, and could tell an anecdote—of which he had an inexhaustible supply—with striking effect.

It was just as easy for him to associate with, and meet on the same floor, plain, uneducated men, farmers and manual laborers, as it was the men of culture and large ability. He had a strong, unaffected interest in farms, and crops, and weathers, and the common incidents of rural life. He was fond of trees, and birds, and attentive to their manners and habits; enjoyed beautiful landscapes; loved to observe the clouds; and there was no phase of the natural that did not give him genuine pleasure, and which he did not observe with a keen and scrutinizing eye. What he knew he knew perfectly, down to the minutest details. His habit of thoroughness was formed as a

boy in college over his text-books, and the same pains-taking methods were followed through life. He could not be superficial; he could not simulate; he could not be careless; he scorned to seem, and not be.

It was his loyalty to truth in speech, in act, in all his impulses, that distinguished the man. He had a clear perception of justice and a perfect obedience thereto under all conditions. There are men who love justice and believe themselves just, but when they attempt to balance the scales with self interest on one side and justice on the other, their judgment is inaccurate. They are prone to compromise and pervert the issue and give themselves the benefit of the doubt. But Senator Willey could be depended upon in such case to "avoid the appearance of evil." If he erred it was on the right side. It was, with him, not what the world would say, or how it would interpret an act; it was what was just and right. His morality was not measured by the limitations of the law, or by the chances of covering up and concealing a course of conduct, but he could be trusted to "hew as close to the line" in the dark as in the open. His innermost sense of integrity was more sacred to him than the approval of all mankind. He carried no secrets. There were no concealments in his life. There was no "skeleton in his closet." If ever a man passed through the blandishments and allurements to evil that line the pathway of a long, and varied, and trying career, with immaculate garments, it was Senator Willey. To those nearest him was this belief in the absolute integrity of his life, most pronounced. "No man," it is said, "is a hero to his valet;" but it was in the every-day contact with his life that the sublimity of his Christian manhood grew and expanded, so that it was impossible not to believe in him.

His character made him the "conscience of the community in which he lived." For many years his conscience and judgment were a kind of meter to determine the course of the community upon any matter that engaged the public attention. In

politics, in public enterprises, on any public question about which men differed, it was common to hear the inquiry, "What does Senator Willey think?" His advice was sought on all manner of questions, not only relating to the law, but to private individual concerns, to social and religious affairs, as well as to business and public matters of every phase and character. Men went to him with the absolute assurance that they would obtain an opinion sound in judgment and based upon the soundest principles of truth and justice.

He carried this same loyalty to truth and right into his practice as a lawyer in dealing with his clients. His counsel and his conduct in a case could not be influenced by the size of the fee. He would not take a case in which he did not believe his client had a right and a remedy under the law. The writer has heard him say to a client, when solicited to accept a retainer in a doubtful case, after probing him on all sides to get at the truth: "Now, Mr. A., I will take your case, and do the best I can for you; but I now give you notice, that if, on the trial, it develops that certain facts cannot be established by the evidence, I will be at liberty to withdraw from the case at any point." He believed that it was as much, or more, of a lawyer's duty to keep a client out of difficulty, as to get him out after he was in. This course gave him a standing and character in his profession that made his very personality a power in a case. The impression he made on judge and jury was honorable to him and them.

One of the marked characteristics of Senator Willey was his broad generosity. He was open-handed to every public claim that had any show of reason in it. Though not a wealthy man, yet the extent of his liberality toward any worthy cause would lead to the assumption that he was always in easy circumstances. Although his talents and industry and position always commanded a good income, and the amount of money he earned during his long career would have made most men wealthy, he saved but little. He gave away more than one fortune during

his life. Among his assets were found a bundle of promissory notes that represented money that he had lent to persons in straitened circumstances, which he had never attempted to collect and doubtless never intended to collect, either as to principal or interest. But in his acts of charity his left hand did not know what his right hand was doing. Senator Willey had none of the arts of self-advertisement. His natural disposition shrank from a pharisaical display of one's virtues. To him a virtuous act was its own sufficient reward. He never posed for the praise of men. He never sought preferment or official position. The public positions which he filled sought him. He never made a speech for show or acclaim. He was a modest man, conspicuous only because his character and talents brought him to the front. In manhood and in old age, after dealing all his life with weighty public interests, he united the strength of a chief to the modesty of a child. He returned from courts or congresses to sit down, with unaltered humility, in the church or in the store, on the plain wooden bench where "honor came and sat down beside him."

But Senator Willey's uprightness of life and conduct was not the mere cold and superficial prompting of a sense of propriety. He was a profoundly religious man. His character had its roots in a deep-seated reverence for God and his truth. He had a sublime faith in, and devotion to, the tenets of the Bible, which he made the rule and guide of his life. He had studied the Word as few men have outside of the ministry. He had absorbed not only the letter but the spirit of that book. He practiced its precepts not as commands, but because he believed in them, and loved them, and made them the life-springs of his being. His life was the best exemplification of that charity which "suffereth long and is kind; which envieth not; which vaunteth not itself, is not puffed up; which doth not behave itself unseemly, seeketh not her own, is not easily provoked, thinketh no evil; rejoiceth not in iniquity, but rejoiceth in the

truth; beareth all things, believeth all things, endureth all things." He loved the simple and spontaneous usages of his adopted church—the Methodist Episcopal—and was always an honored and active member; possessing the genuine affection of its members and especially of its clergy. He carried no jealousies, no resentments, no vindictiveness even toward those who had done him a wrong. He had that native temperance and charity which enabled him to meet every man with a free courtesy that had no memory in it

"of wrong and outrage with which earth is filled."

An estimate of Senator Willey's character by those who knew him best may be fairly gained from a short sketch written by Governor George W. Atkinson after Mr. Willey's death. Governor Atkinson had known him quite intimately all his life, and may be assumed to be a competent judge of men. He wrote:

"The crossing of Ex-United States Senator Waitman T. Willey marked the passage of, in my judgment, the greatest Virginian who was born and brought up west of the Blue Ridge. I make this statement thoughtfully, and without intentional disparagement to the galaxy of great men who were contemporaneous with him. There were the two Summers', Philip Doddridge, Bishop Morris, the McComases, the Jacksons, Senator Carlile, and still others, all of whom were men of unusual abilities and attainments. Indeed, they were really great men, and all of them left their impress upon the times in which they lived. But with due respect to their memories—they have all crossed the deep, dark river of death into the other life beyond—I am candid when I say, that in the elements which go to make up a great character, Mr. Willey outranked them all.

"Great learning, large attainments and proud achievements, in and of themselves, do not necessarily make the greatest char-

acter in men. The achievements of the orator, the statesman, the legislator, the soldier, do not always alone bring to men enduring fame. There is still something in the make up of an individual that is more lasting, and that is humility of life and conduct, 'charity, which vaunteth not itself and is not puffed up,' and love and sympathy for one's fellows,—these make one's record as enduring as the sun. These qualities Mr. Willey possessed to a greater extent, perhaps, than any other of his associates in the early history of our State. No history of West Virginia can ever be written, covering the generation beginning with the late Civil War, without noting, in almost every chapter, the acts, the utterances, the deeds, and the achievements of Waitman T. Willey, who for a score of years preceding, was invariably referred to as 'The Whig Wheel-horse of the West.' For more than a half century prior to his death, he was a towering figure in the public affairs of his native State.

"Senator Willey entered upon a public career educationally equipped, having had the best college training then given west of the Alleghenies. With honesty of purpose as his unfaltering guide, he forged his way to the front. Modest and retiring, he never pushed himself, but the people soon learned that within him was every essential element of a man, and they chose him as a leader and stood by him to the last. In every public act he was guided invariably by the stars of faith and right. Thoughtful, conscientious, conservative, just in all things, and helpful to all who sought his counsel, they found in him no ins and outs His every public act—and this statement will not be questioned —was measured wholly and always by the plumb line of duty and the right.

"At the Bar, in the Legislative halls of both Virginias, in Constitutional Conventions, upon the platform and the hustings, and in the Senate of the United States, he measures up to the stature of real greatness; and none of his opponents have ever essayed to charge that he was anything but a model of excellence

and a model of goodness in them all. Of all the prominent public men I ever knew, Senator Willey was the cleanest, squarest, truest and the best. His promises were regarded by him with as much sacredness as his life; and to the day of his death, one could point to his tall, straight figure and say, there is one man who spent more than fifty years in public places, and yet never told a lie. Can this much be truthfully said of any really prominent public servant in this, or any other State?

"As an orator Mr. Willey had no peer among all the public men I ever knew. In the gift which actors call 'heart,' he stood supreme. He could move an audience at his will. In discussions and debates, he was an antagonist dangerous to meet. He was as resistless as a whirlwind, and yet was as gentle as a woman and as tender-hearted as a child. His power of utterance on the rostrum or before a jury was rarely found in man. His rhetoric was as chaste as violets. His climaxes were overwhelming. His sentiments sublime.

"Gone from the throng of the living, his long and useful career stands out boldly as a model, and no one can err by following in his footsteps. Religious, sympathetic in every fiber of his makeup, and generous to a fault, he leaves behind him as a heritage to the people of his State, a character as spotless as a maiden's and as unsullied as a ray of light. Such men are rare. Such men are truly great.

" 'He was a man of form and mein imposing,
And courteous as kindly courts suggest;
While friends all confidence in him reposing,
Did oft among the good, esteem him best.

" 'He was a man who was honored justly,
A statesman skilled in all tradition's lore;
In law or usage he was never rusty,
And counted his followers by the score.

" 'He taught the truths of love and duty,
By precept and by example, one by one,
And showed by his sincerity their beauty—
In dignity and force, excelled by none.

" 'Upright and honest and unostentatious,
And kind and generous to friend or foe,
He ne'er was so surprised that word ungracious
Fell from his lips to wound, as with a blow.

" 'Such was our friend who has gone before us,
Whose memory revered, and worth we tell;
But I AM THAT I AM will some day restore us,
Our revered and lost, with him for aye to dwell.' "

In a previous sketch Governor Atkinson sums up his life-work in the following terse and comprehensive manner:

"For a full half century Mr. Willey stood forth in Western Virginia not only as a leader of men, but in all respects, both in public and in home life, a cultured, honorable, model citizen. It can rarely be said of any one that everybody who knows him has confidence in and respect for him, but of Waitman T. Willey, of Monongalia, all this and more can be truthfully written.

"Mr. Willey was born on Buffalo creek, Monongalia county (now Marion county), October 18, 1811. He was reared on a farm until he reached his seventeenth year, when he entered Madison College (now Allegheny College), Pennsylvania, from which he graduated in June, 1831. Commenced the study of law at Wellsburg, Va., under the distinguished Philip Doddridge, in the spring of 1832, and was admitted to the bar in September, 1833. He immediately settled at Morgantown, in his native county, where he has ever since resided. In 1834 he married Miss Elizabeth Ray, daughter of Patrick Ray, of Wheeling, with whom he lived in happy wedlock until her death, which occurred a few years ago; was an elector on the Harrison and Tyler ticket in 1840; was clerk of Monongalia county from

1841 to 1852; was a member of the Constitutional Convention of Virginia in 1850-51; was the Whig candidate from his district for Congress in 1852; was the Whig candidate for Lieutenant Governor of Virginia in 1859. In 1860 he was a delegate to the Convention that nominated Bell and Everett for President and Vice-President; was a member of the Virginia Convention of 1861, and voted against the ordinance of secession; was elected by the Legislature of what was called the "Restored Government of Virginia at Wheeling" to a seat in the Senate of the United States to take the place of James M. Mason, who seceded with the mother State; was a member of the Constitutional Convention at Wheeling which framed the first Constitution for West Virginia, but being at the same time a United States Senator he did not take an active part in the proceedings of the Convention; was a member of the second Constitutional Convention at Charleston in 1872, that framed the present Constitution of the State; was elected one of the first United States Senators from West Virginia in 1863, and drew the short term of two years. At the expiration of the term he was re-elected to the same position for the full term of six years, which expired March 4, 1871.

"For more than sixty years Senator Willey has been a conspicuous member of the M. E. Church. In 1872 he was elected the first lay-delegate from the West Virginia Conference to the General Conference of that denomination, but owing to pressure of business declined to serve. In 1880 he was again elected to that responsible position and took an active part in the proceedings of the General Conference; was a delegate-at-large to the National Republican Convention at Cincinnati in 1876. In November, 1882, he was appointed clerk of the County Court of Monongalia county to fill a vacancy occasioned by the death of the then incumbent. In October, 1884, he was elected by the people to said office for the term of six years, which office he is now efficiently filling.

"Madison College, from which Mr. Willey graduated, was merged into Allegheny College, Meadville, Pa., and the latter conferred upon him the degree of Master of Arts. Some years later the honorary degree of Master of Arts was conferred upon him by Augusta College. While Mr. Willey was a Senator in Congress, Allegheny College conferred upon him the honorary degree of Doctor of Laws. A few years ago the West Virginia University conferred upon him the same degree.

"It is impossible in the limited space at my command to more than allude to the life work of such a man as ex-Senator Willey. For a quarter of a century before the late civil war, he and the late George W. Summers, of Kanawha county, were universally regarded as the Whig wheel-horses of Western Virginia. In a majority of the counties that now compose West Virginia, Mr. Willey, during his entire public career, was the acknowledged champion of his party. He was a man of great industry. But few public men delivered a greater number of addresses and lectures on subjects of general interest. Besides, he wrote much for newspapers and periodicals on both political and religious subjects. He was for half a century almost constantly 'on the go.' He was a great orator. The writer has heard him in his prime when the sweep of his power was utterly irresistible. Rising to the magnitude of his subject, the electric current could almost be seen to scintillate from the ends of his long, bony fingers, as his high genius illumined his kindling eyes.' His great oratorical triumphs on the platform, in the halls of Congress, and at the bar are scattered over a period of more than fifty years, and alone would furnish material for a large and interesting volume. At his home in Morgantown, the seat of the West Virginia University, and now nearly eighty years old, he is kindly spoken of as 'the old-man-eloquent,' and all classes admire him with that degree of esteem that reaches absolute reverence.

"But better than a reputation for oratory, statesmanship

William Erskine Stevenson.

and legal attainments, is a character for honesty, sobriety and sterling integrity. Mr. Willey's reputation for probity in public and private life is as spotless as a maiden's and as unsullied as a ray of light. Through his church relations his name has become familiar to thousands of the homes of the land as the synonym for purity and exalted Christian character. His memory will be perpetuated signally and with lasting certainty through the influence of a lofty example, in which are exhibited all the noble qualities that enter into the composition of a character which combines a just pride without ostentation, candor without dissimulation, humility without affectation, learning without vanity, generosity without selfishness, truth without fear. All of these elements are the environments of Mr. Willey's daily existence and are the leading lessons of his blameless life."

Governor Atkinson refers to Mr. Willey's power as an orator; and this power was probably the most pronounced quality of a character that was marked by many strong features. The contemporary comments of the public press, and their estimate of his ability in the field of oratory would fill a volume, and show that few public men of our nation have achieved greater conquests and a higher reputation upon the platform, the hustings, and the legal forum, as an orator, than did he. A single selection from these press comments will indicate their general character. The following is taken from the Wheeling Daily Register of September 28, 1882:

"Mr. Willey has a tall, lithe figure, fully six feet high, broad shoulders, large bones, lean but muscular, and possessed of a store of physical energy and endurance that few men of his age can boast. He is now in his seventy-first year, but he is springy, his mental faculties unimpaired, and the sources of vitality seem as full and vigorous as in a man of forty. His penetrating eyes look out from under overhanging arches of silvered brows; his features are regular and harmonious, and

his whole appearance and bearing impress the stranger as a man of sagacity, refined sensibilities and stern integrity of life and character. As a citizen of his town was heard to remark: 'He is the ripest man I ever met.'

"It requires but a few moments' conversation with the ex-Senator to discover the elements of that power as an orator which has long been recognized as his commanding faculty, and the distinguishing feature of his public career in this and other States.

"Mr. Willey is one of the old time orators—one of the kind that was born rather than made. There are fewer men of this stamp than we suppose. Those now living may be counted on the fingers of one hand. Those who have lived are so few that we easily recall their names.

"Those who have heard only the great declaimers, do not readily appreciate the difference between the declaimer and the genuine orator. The world is full of declaimers. They abound in every State and community—in every public meeting and legislative hall—men who are known for their power of diction, their great culture and achievements in the art of speech, and the world of to-day recognizes them as model orators; but because these men, when heard by the multitude, fail of the effect that some orators of other times have produced, we are accustomed to say that the influence of the orator is on the decline.

"It is the orator himself, that is lacking. The power of the genuine orator is no more on the decline than the power of the musician. Human nature is just as susceptible to the influences of oratory or music to-day as a hundred years ago.

"The trouble is, we mistake the declaimer for the orator. We probably have better declaimers than we ever had. Any man who has a fact and can state it clearly can be eloquent, but all the precision and elegance that culture can give to his speech cannot make him an orator in that other and higher

sense. There is a nameless something behind his speech—an intangible personality in the genuine orator that diffuses itself among his auditors, and gets hold not only of the intellect, but of the heartstrings of his hearers with a power that cannot be resisted. We need to feel the influence once before we appreciate it, and once felt we never forget it, though never able to define it.

We have seen staid old men, whose pulse usually ran less than fifty beats to the minute, jump up and shout like schoolboys, or weep and blubber like women under the effect of a speech by Mr. Willey on the most common political topics of the day. On one occasion when addressing a large audience in the city of Philadelphia, he shot out one of his master strokes at the audience, and an old grey headed man jumped clear above the seats with a shout like the war-whoop of an Indian. Then suddenly turning in his tragic manner to the auditors behind him, Mr. Willey seemed to turn an electric current upon them, and fifty men, seated on the stage, involuntarily jumped to their feet.

"Many similar instances might be cited as illustrations in the long career of Mr. Willey as a public speaker, showing the peculiar power which a genuine oratory, as distinguished from mere declamation, can have over an audience. It is not in any sense an acquired quality, but an innate personality, stronger than speech, which reaches and stirs the fountains of human feeling and takes complete possession of the auditor."

Senator Willey retained to the last somewhat of this power in public speech. Even when bending under the weight of more than four score years he was in demand as a public speaker and never failed to manifest flashes of this old time eloquence. His last appearance before an audience was at the funeral ceremonies of Governor Pierpont, when he was in the eighty-eighth year of his age. He had to be assisted to mount the platform, but when brought face to face with the large

congregation something of his youth seemed to return, and with the body of his old friend lying at his feet, he delivered one of the most pathetic and impressive addresses ever heard on an occasion of that kind.

But the time came when this busy life, so full of labors, so full of unremitting zeal in public and private affairs, must rest. He had never rested before. He was a man of no vacations. From early childhood he had known nothing but the daily round of ceaseless activity. How could such a man rest?

Two years before his death he realized that he had reached the "parting of the ways." Against every inclination of his nature his judgment told him that he must throw off and finally relinquish the cares and responsibilities of active life. He retired to the peace and seclusion of his quiet home, and sat himself down in his library among his books. "If I could only quit thinking," he said, "I could rest." His mind was as clear and unimpaired as in the vigor of manhood. He retained his interest in all the affairs of the time—in politics, in matters of home and foreign policy, in public enterprises, in the progress of the world. He was on the alert for every movement of the State or National government, and forecasting the result with the prescience of a prophet.

He had thought much of death and the deep problems of the beyond. He was now conscious that he was but a short step removed from entering into those experiences toward which every thoughtful life travels with serious contemplation. "One of the most gratifying things in heaven," he said, "will be to have some things explained which are inexplicable in earth." Serenely he awaited the hidden approach of the messenger, whom he knew was almost in sight, to summon him to that new experience about which he had thought so deeply. "I have only one disease," he was accustomed to say, "but that is incurable. It is old age." The tired machinery was simply running down. There is something inexpressibly sad, as well as

inscrutable by us, to see a man so ripe in experience, so accomplished in all that qualifies for usefulness, so wise, so scholarly, so fully equipped for life's encounters, slowly carrying all these acquisitions toward the grave.

But no man ever stood at this point in human experience who could look backward with less remorse or forward with calmer confidence than Senator Willey. Search his whole life and no one can lay his finger on an act that, at such a time, would seem to disturb the repose of the last sleep. "There were no infirmities leaving a permanent stain behind them. There were no fallacies to be apologized for; no vices to be blushed at; no rash outbreakings of passionate resentment to be regretted; no dark deeds, disturbing the peace of families, or leaving them wretched by its desolations." A short time before his death he called the writer to his bedside, and said: "I am not going to be here long, and there is one thing I have a desire to say, and it is this: There is not a human being upon the face of the earth toward whom I have any feeling of enmity. There are men whose characters I do not respect or admire, but I have no feeling of enmity toward them—I would not lay a straw in their way to injure them. I thought I would like to say this."

Thus died a man who was at peace with all the world; at peace with his conscience; at peace with his God. No man ever had a loftier standard of Christian manhood. No man ever left the world a finer example of Christian excellence in public and private life.

On the night of the second of May, 1900, having reached the point where the eighteenth century, over the greater part of which he had lived, had passed away and he had been permitted to see the beginning of a new century, he went peacefully to sleep, and was not, for God had taken him.

No enemy exulted over his death—for there was none. But his native town went into mourning. Business houses

closed their doors, and a great host followed him to his last resting place with a show of reverence and respect which only a good man inspires. "A great integrity makes a man immortal."

*JACOB BEESON BLAIR.

Some of the men who did most to establish the new State of West Virginia, and who are still living, have transferred their energies to other promising sections of the National Commonwealth. Among these is Hon. Jacob B. Blair, once a Representative of Virginia and of West Virginia in State and National councils, and for three full terms an Associate Justice of the Supreme Court of the growing territory of Wyoming.

Jacob B. Blair was born at Parkersburg, Wood county, Virginia, April 11, 1821. He had the benefit of a common school education, studied law, and was admitted to the Bar of that county in 1844. At the time he was admitted to practice, the list of lawyers in that vicinity included a good many prominent attorneys, and it required shrewdness and force, as well as industry and close application in a beginner to establish himself in the profession; but young Blair had the qualifications which insure success, and pushed his way steadily forward. He extended his acquaintance and reputation in neighboring counties, and at the beginning of the civil war was generally and favorably known throughout his Congressional District. He was a Union man, pronounced and positive, and threw his whole weight and influence into the movement to prevent the western

*The above sketch is taken, by permission, from "Prominent Men of West Virginia."

section of Virginia from being carried into secession and rebellion. When Hon. John S. Carlile resigned his seat in the 37th Congress from that District, Judge Blair was chosen to fill the vacancy, in 1861, and was subsequently re-elected to the 38th Congress, in 1863.

During his service in Congress, the bill to admit West Virginia into the Union was passed by Congress, and it is not giving undue credit to say that no one contributed more efficient aid to its passage than Judge Blair. When, after a hard-fought battle in the two Houses of Congress, the victory was won by the friends of the new State, the fate of the bill in the hands of the President was thought to be threatened with an adverse decision, and again Judge Blair brought every power of his earnest and patriotic nature into active use to dispel from the Executive mind the doubts as to the constitutionality of the bill which some members of the Cabinet would have implanted there. Fortunately for West Virginia, Mr. Lincoln inclined to the views advocated by the friends of the bill, and, on the 1st day of January, 1863, he gave Judge Blair the notice of his approval of it, as a New Year's gift to the new Commonwealth.

At the close of his Congressional service, Judge Blair was elected a member of the Legislature of West Virginia from Wood county; and in 1868 was appointed Minister Resident to Costa Rica, remaining in the diplomatic service of the Government until 1872. In that year he was appointed Associate Justice of the Supreme Court of Wyoming Territory, and, by successive appointments, he served continuously and acceptably in that position until the change of Administration under Mr. Cleveland.

Judge Blair's present residence is at Laramie City and, although retaining a warm interest in the New Commonwealth he helped to create, he is an enthusiastic admirer of that vigorour and prosperous section of the West, with which he is now identified. The portrait which accompanies this sketch, taken

from a recent photograph, is an admirable likeness of him. Although approaching the three-score-and-ten limit, of physical strength, he still retains his vigor, both of mind and body, and has every prospect of enjoying a useful and honorable old age in his new field of labor.

*HON. ARCHIBALD W. CAMPBELL.

I remember when Mr. Campbell began, now more than forty-two years ago, to disseminate Republican doctrine in Virginia. Virginia was not then a hospitable territory for such doctrines. In the very year when Mr. Campbell's connection with the Intelligencer began, two citizens of the adjacent county of Harrison were indicted, under instructions of the Circuit Judge, for circulating the New York Tribune, adjudged an "incendiary" sheet under the Virginia statute, and Horace Greeley also was indicted for its publication. Mr. Campbell was then a young man fresh from Bethany college, founded by his uncle, Alexander Campbell, who also founded the so-called Campbellite Church. He was still fresher from the political inspiration of the great New York apostle of Republicanism, William H. Seward, having attended his law instruction at Auburn. All of Alexander Campbell's family were virile Southern Democrats, as was also the son-in-law, Prof. Pendleton, on whim the presidency of the college fell after its founder's death.

When young "Archie" Campbell came into control of the Intelligencer he succeeded a brother of Prof. Pendleton, a law-

*The above character sketch was written by Granville D. Hall, who was at one time associated with Mr. Campbell as editor of the Wheeling Intelligencer.

yer and a Southern Democrat. The young editor, wiser than his years, began by slow but steady approaches a campaign of aggression against slavery. From that day until the institution was overthrown he never looked back; he held every inch of ground as he conquered it in Northwestern Virginia, until when the rebellion culminated, enough people in that part of Virginia had been educated in loyalty to the Federal Union to constitute a breakwater against which the Confederacy beat in their vain efforts to attack Ohio and Pennsylvania, and the value of which in determining the result of the conflict has yet to be fully appreciated.

Throughout the war Mr. Campbell's paper was the White Plume of Navarre, around which the loyalists of Western Virginia and the neighboring counties of Ohio rallied, and the authorities, military as well as civil, leaned heavily on him and continually drew fresh supplies of hopefulness and confidence from his indomitable courage. During that time the writer was associate editor and reporter on Mr. Campbell's paper, and had the best opportunity to know the influence on the local public opinion of his unwearied pen, always enforcing in the most convincing, resolute way the duty of unreserved loyalty to the Government; and, even more effective, his personal influence on the little corps of patriots who were the soul of the movement and organization that saved Western Virginia to the Union and cut it loose forever from that "body of death," as Governor Pierpont used to say, of the nest of treason that had its head at Richmond.

Mr. Campbell lived to see, as Pierpont has, the seed of Republicanism planted by them in that unpromising soil grown into a great tree. West Virginia is not yet a very great State, but it seems now safely Republican and has a future that nobody would have felt like predicting when the first mass meeting met in the old Washington Hall, in Wheeling, in the stirring May of 1861, when some of the most eminent public men

of that section in that body were in doubt whether they were not committing treason against Governor John Letcher and the Southern Confederacy with which he had allied the outraged Old Dominion.

But I want to speak about the man more than of his career. In politics, as such, he was never a trimmer with his party associates for preferment. He never worked quite obediently in the merely party harness; never sanctioned doubtful schemes of expediency or methods that could compromise a man's personal honor or dignity. But when a principle was to be asserted or defended he was its unhesitating champion—a true Chevalier Bayard, without fear and without reproach. I recall that when Fred Douglass lectured in Wheeling, soon after the war, for the public library, the committee had difficulty in finding some suitable person to introduce the lecturer. Governor Boreman, among others, was invited, and, like them, he asked to be excused. When "Archie" Campbell was solicited he consented promptly. He presented Mr. Douglass to as fine an audience as the city ever got together, who listened to a masterly address on the dangers that lurked behind the Vice Presidency (of which Andrew Johnson was just then giving the country an object lesson). Not only was Mr. Campbell warmly applauded for introducing Douglass, but Douglass' address was also cheered to the echo. I mention the incident simply as illustrating the kind of man Mr. Campbell was.

Another little episode may be mentioned that will be familiar to many Intelligencer readers. It is the tilt with Roscoe Conkling in the convention in 1880 that nominated Garfield for the Presidency. It will be recalled that Mr. Conkling had offered a resolution pledging to support the nominee of the convention whoever it might be. Mr. Conkling then believed the "old guard" was able to nominate Grant for a third term. Not content with the resolution, he expressed the opinion that any delegates who refused to vote for it ought to be expelled

from their seats. Mr. Campbell, as one of the West Virginia delegates, took fire at this, and he gave the New York Adonis such a drubbing as he never before had since Blaine had referred to him in the House as a "turkey cock." Campbell referred to his own record as a Republican editor in Virginia from the time of John Brown's Harper's Ferry raid down to recent times, and declared that it did not discredit him in comparison even with the distinguished Republican Senator from New York; that he did not recognize the gentleman's right to question his seat in a Republican convention. He never would surrender his prerogative of independent judgment. He carried his sovereignty under his hat, and asked nobody's permission.

These incidents show the fibre of the man. He had moral courage. He was not afraid to do unpopular things when he believed them to be right. An instance of this was when, some time after the war, he headed a movement in West Virginia to do away with the test oaths, by which all ex-Confederates were then excluded not only from political privileges, but from the practice of the professions and from teaching in the public schools. The movement was known as the "let-up." Mr. Campbell thought it was time to let these people up, in harmony with policies adopted by the party in National matters, and said so in the plainest English, believing the occasion for the exclusion had passed.

Mr. Campbell's Republicanism was of a high type. He was for principles, not expediency; it was nearer a religion with him than politics. He would not compromise his principles for the sake of success any more than he would his personal sense of dignity. He always carried into his political life a lofty ideal of integrity in connection with his public career. I believe he would have been one of the first United States Senators elected in 1863, after the formation of the new State of West Virginia, if he had been willing to trim a little—to flatter the

Legislature a little beyond what he thought that body merited. He could not stoop even to conquer, and knowing him as I did, I believe he always felt more satisfaction in the result than if it had been different, but costing him the sacrifice of what he valued more than success. He always deserved more at the hands of his party than he would accept.

Mr. Campbell was a man not only of education, as college educations go, but he was much more. He was broadened and educated first by his profession; next by his wide acquaintance with public men and public affairs, by diligent study in many directions, and, not least, by extensive travel in his own and foreign countries. In addition to this he had a talent for affairs. He knew the iron business, in which for many years he had extensive interests, better than many of the professionals; was a student of markets and of political economy, and knew more of that science than many who have wasted reams of paper in writing books that only befog the question and the student.

He had a life-long and intimate friendship with "Cash" Clay, of Kentucky. During the Fremont campaign, or about that time, Clay visited Wheeling on his invitation and made a public speech on political issues. The city was overwhelmingly Democratic and pro-slavery to the core. There was considerable talk among the rougher set that Mr. Clay would not be allowed to make a "Black Republican" speech. But he was allowed. When he rose to speak Clay took from his pocket a big revolver and laid it on the desk before him. He had his say. He was not disturbed. Clay was a man after Campbell's own heart.

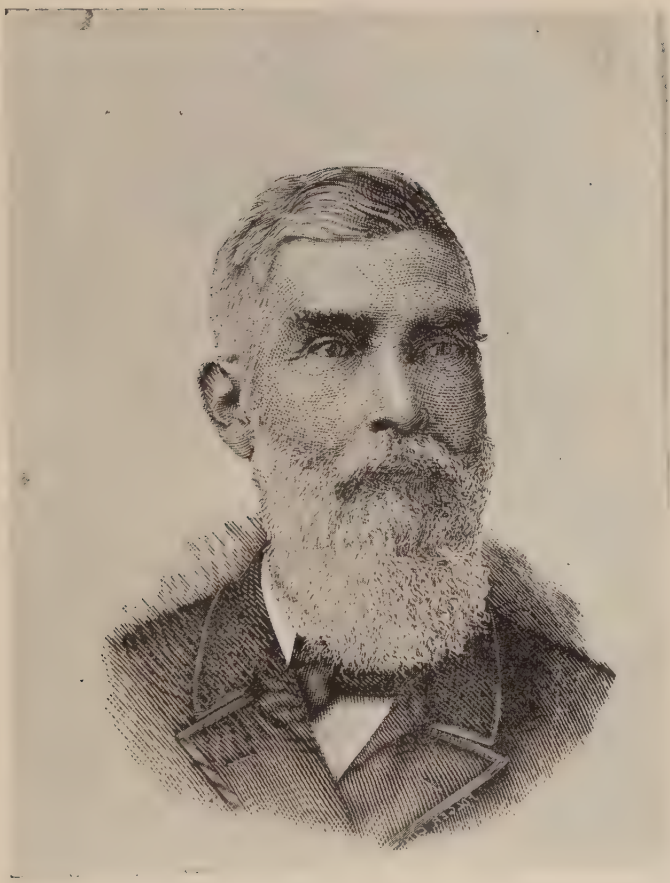
*HON. JOHN S. CARLILE.

My father was denied the advantage of a scholastic education. When he was fourteen years of age he became a clerk in a store to assist in the support of his widowed mother. As he grew to manhood he had as his text books Milton's "Paradise Lost," Robinson's "America" and Plutarch's "Lives," all of which he thoroughly memorized. It seemed that this was his library up to the age of twenty-one. He often said that he could not remember the time when he was not able to read and write. Aside from the books named, he derived instruction solely from his mother, who was a woman of great force of character and of sterling virtues. My father's handwriting was both bold, legible and perfect, and he was never known to have misspelled a word. At twenty-one years of age he became a merchant upon his own account, and at the same time began the study of law. In about three years he failed in business and was admitted to the bar, at which time he entered upon his career as lawyer, orator and statesman. Long after much of his mercantile indebtedness had become outlawed he paid every farthing of it, fully recognizing, as he did all through his life, the superiority of a moral obligation over a legal one. He was a man of great magnetic power in manner and conver-

*The above sketch was prepared by W. D. Carlile, the son of Hon. John S. Carlile, by request, for this publication.

sation; he was generous in disposition, sincere in his friendships and attachments, benevolent to a fault, devoted to the institutions of his country, and possessed a very warm feeling for mankind in general. He was of a very sunny disposition; he was absolutely free from prejudices of all kinds, and I never heard him express or show a feeling of hatred toward any living being. I never heard him speak ill or unkindly of any one, although he had a great many bitter enemies. He would espouse what he considered to be a principle or the proper cause and he would throw the whole force of his intellect and zeal into the advocacy of it—uncaring for personal consequences. Neither malice, nor fear, nor personal glory, nor personal disaster seemed to influence him in the least. His course and his demeanor indicated that he was separated from such influences. In 1861 he espoused the Union cause. A rabid secessionist was then editing a paper at Clarksburg. He was a violent enemy of my father's. He left a large family in destitution and joined the Confederacy. He was at the head of a band who sought the life of my father during the four years of the war. After he left, my father, hearing of the impoverished condition of his family, put them in a little store building which he owned in Clarksburg and provided them with the necessaries of life until after the war closed. This incident is a fair illustration of the treatment of my father of his enemies—he "returned good for evil" in every instance.

Conscience was his guide, love of home, country and the people were the dominating and controlling influences of his life. The sudden realization that Frederick county, Va., the county of his birth, was not included in the geographical boundaries of West Virginia, and his natural impulse to embrace it within the Union lines, caused him to arise from his seat in the United States Senate and move an amendment to the bill creating the new State including the county of Frederick. Owing to the delay that the moving of an amendment at that



JAMES HENRY BROWN.

time would have occasioned in the passage of the bill, Charles Sumner, the Senator from Massachusetts, and several others of his kind were disposed from that to charge my father with disloyalty to the Union cause, which was in no sense the fact, but which had the effect of ending his political career. President Grant afterwards nominated him as Minister to Sweden, but Charles Sumner's vote defeated his confirmation. My father lived for thirteen years after that and was always identified with the Republican party. His political views were purely intellectual and not partisan, and his most distinguishing personal characteristic, as I now recall it, was a total absence of both personal and political partisanship. He would have fared better and his character and services would have been more highly appreciated had he lived in this day of toleration and intellectual achievement, rather than in that day of passion, bitter partisanship and war.

That portion of my father's public record upon which his fame will likely endure the longest consists in his devotion to the Union, to his opposition to secession and to his zeal in the organization of the State of West Virginia. He was a natural orator of superior magnetism and power, and his speech in the Richmond Convention opposing secession in 1861 created such furore and intense feeling that a mob gathered to assassinate him and it was necessary that his friends should guard his person to a place of safety beyond the city limits. His ancestry were of Scotch-Irish origin, but for several generations were Virginians. He possessed all the characteristics of a Southerner and had no interest not identified with the South and its people, yet his intellectual vision was so correct and just that he could easily foresee the wisdom of maintaining the Union and the consequent National blessings that followed.

The following additional data, relating specially to his public career, is obtained from the sketch contained in "Prominent Men of West Virginia":

At an early age, having a decided taste for the profession, he began the study of law, was admitted to the bar in 1840, settled at Beverly, Randolph county, and began practice. He was elected to the Senate of Virginia in 1847, and served until 1851. His associates were not long in finding in Mr. Carlile a man of untiring energy, a close student, a diligent legislator, and a ready and forceful debater. He took a leading rank in the Senate, which was filled with the ablest men of Virginia. In 1850 he was elected a delegate from Randolph county to the Constitutional Convention to revise the Constitution of the State. In this body of learned and distinguished Virginians, Mr. Carlile's splendid natural abilities added to his experience of four years in the Senate made him influential, and placed him alongside of the ablest men in that body. The people by this time recognized Mr. Carlile's commanding abilities, and in 1855 nominated him as a candidate for Congress and elected him in one of the most spirited campaigns, peculiar to that day. He served one term and returned to the practice of his profession, which had become large and lucrative.

To secure better opportunities for the display of his superior legal attainments, Mr. Carlile removed his residence to Clarksburg, Harrison county. He was employed in all the important cases in ligation in County, Circuit, Federal and Supreme Courts in that portion of the State, and accordingly achieved great distinction as a member of the bar. At the breaking out of the war he was an avowed Unionist, and threw all of his great powers on the side of the Government. He was a member of the Wheeling Convention that established the Restored Government of Virginia, and was one of the leading spirits in all of its councils. He was elected to the Thirty-seventh Congress from the Wheeling District in 1861, and remained a member until his promotion to the Senate of the United States.

*ARTHUR INGRAHAM BOREMAN.

Among the distinguished men of this State, who were leaders in the period from 1860 to 1870, the subject of this sketch stands at the head and front. The qualities that command the largest measure of success are a clearness of understanding that brings into view from the beginning the definite end and the most available process by which it is to be reached, together with that force of will which is tireless in its persistence and that quickness of decision which utilizes instantly the commanding points in every crisis, that never leaves an enterprise waiting upon doubts until the tide that might have borne it on to fortune has receded and left the nascent victory a helpless wreck. Men with such abilities become the founders or saviors of States and systems and policies; and they are the leaders of men—not from the intrigues of craft and cunning, or the power of wealth or rank or the traditions of a family, but from an innate and rightful sovereignty in human nature.

When the war cloud gathered in 1861, and the pulse of the Nation beat at fever heat, there were others in Western Virginia the equal in reputation and learning of Arthur I. Boreman, yet there were none, seemingly, who possessed that untiring energy, sleepless industry and indomitable will, peculiar to him, and which were in that crisis essential to safe and successful leader-

*By permission from "Prominent Men of West Virginia."

ship. He had the grit that men admire. His backbone was as stiff as Bunker Hill monument. He believed he was right in standing by the flag. His position was the Unity of the Nation; and there he stood as firmly as the eternal rocks that based the hills around him. The people saw that there were in his make-up those essentials that mark the leadership of men, so they called him to the front and placed him upon the pedestal of commanding position.

Governor Boreman was a man of positive convictions, and was, as a natural consequence, a devoted partisan. He had no faith in that philosophy of government imputed to Louis Napoleon when President of France, which led him to suppose that he could dominate all parties by taking ministers for his Cabinet that represented none. He did not believe that the security or permanent peace of the country could be obtained without enacting and enforcing measures of legislation that, if properly observed, should make the liberties we then enjoyed as great a beneficence as without such protection they would be to the poor and downcast a mockery and a snare. So believing and so acting, he was consistently conspicuous in his devotion to the ends he had in view.

Viewing Governor Boreman as a partisan leader in "those times that tried men's souls" even his opponents in after years conceded that he possessed many high and generous qualities of both head and heart. If he struck hard blows, he did not shrink from receiving hard blows in return; and when the strife was ended he was ever ready to extend a hand, and to sink, if not forget the past. And while he never gave up a partisan advantage, he was ever ready to perform a personal act of kindness and friendship to a political adversary as well as to a political friend; and the admiration, love and affection of those who stood nearest to him in those dark days of the past could then as now attest the warmth and strength of his own affections. His record is before the people of the State. From it no fair-

meaning man would blot out a single page. It is easily understood—bold, fearless, direct, distinct. There is no evasion or darkness in the definitions of his principles of policies. As the bold, fearless, loyal President of the Wheeling Convention that reorganized the Government of Virginia, and as the first Governor of the new State of West Virginia, his heroic, manly conduct gave him a place in the affections of the Union people of the State that will not soon be forgotten.

Arthur I. Boreman was born in Waynesburg, Pennsylvania, July 24, 1823. In his childhood he came to Tyler county, this State, where, after receiving a common school education, he engaged in the study of law with his brother and brother-in-law at Middlebourne. He was admitted to the bar in May, 1843. In November following he commenced the practice of his profession in Parkersburg, Wood county, soon attaining a high reputation as a jurist and an able advocate. He has ever since continued the practice of his profession in that city. In 1855 he was elected to the Virginia House of Delegates from Wood county and was successively re-elected until 1860. He was a member of the Virginia Legislature which, amid the intense popular excitement of the hour, held an extra session, in 1861, to discuss the propriety of seceding, and his efforts against that movement were very conspicuous. During the same year he presided over the Convention assembled at Wheeling to reorganize the State Government; and, in the ensuing October, was elected Judge of the Circuit Court, exercising the functions of that office until his unanimous election in 1863 as first Governor of the new State. He was re-elected in 1864 and 1866, and wielded the executive power with a rare conception of the urgent needs of that trying period. In 1868 he declined to be a candidate for the same high office, and was then honored in the Legislature by an election to the United States Senate, taking his seat March 4th, 1869. He served with great efficiency on the Committees on Manufactures, Territories and

Political Disabilities, and, during the Forty-third Congress was chairman of the Committee on Territories, as well as a member of the Committee on Claims.

When his six years' term as Senator had ended, the State having become Democratic, he resumed the practice of law in the city of Parkersburg, and was not long in building up a large and lucrative practice. He applied himself to his profession with a zeal that surpassed a young man just starting out in business. His explanation was that twelve years of public life and absence from his law office, threw him out of the line of the later decisions, and unless he became familiar with the decisions and the newest methods of practice, he could not command that position at the bar of the State to which his abilities and reputation entitled him.

Without solicitation, or even intimation on his part, the distinguished ex-Senator was nominated and elected by his party admirers as Judge of the judicial circuit over which he had presided, with dignity, ability and fairness, nearly thirty years before. In this capacity he is now acceptably serving the term to which he was elected, being eight years from January 1, 1889.

Ex-Governor Boreman has for many years been a member of the Methodist Episcopal Church, and was honored by the West Virginia Conference, in 1888, by an election as a lay-delegate to the General Conference which held its quadrennial session in New York that year.

*WILLIAM ERSKINE STEVENSON.

In no State of our honored Republic could the Executive chair have been filled more conscientiously or with a nobler manhood than in West Virginia during the difficult period from March 4, 1869, to 3d March, 1871. In the simplicity of his character, the sincerity of his purpose, the kindliness of his heart-impulses and an unflinching integrity and fearlessness, there was deep similarity with the immortal Lincoln. Through the door of suffering and discipline, beyond the reach of praise or censure, both have gone from mortal duty, and left as the heritage of their fellow men, sincere respect, honored memories, examples worth imitation to the end of time.

He was born in Warren, Allegheny county, Pennsylvania, March 18, 1820, of Scotch-Irish parentage, the next eldest of nine children. In 1829 he removed to Pittsburg, and was apprenticed to the cabinet-maker's trade, which he thoroughly mastered, as he did everything he attempted, and was soon reputed to be one of the best and most skillful workmen in that city. In 1842 he wedded Sarah Clotworthy, a native of Philahelphia. He was a member of all the local debating clubs, and his talents therein displayed first drew to him public attention. In 1856 he was elected to the Legislature and took part in that memorable session which resulted in the election of Simon Cam-

*By permission from "Prominent Men of West Virginia."

eron to the Senate of the United States, at a time when the Democrats had a majority of one on joint ballot. Before the expiration of his legislative term, in the spring of 1857, he removed to Valley Mills, Wood county, Virginia, where he purchased a small but beautiful farm and there resided until 1880, when for convenience in business affairs he moved into Parkersburg.

During his residence in Pittsburg he took an active and prominent part in the politics of the city and State, and was frequently made the recipient of honors by his party. He was also prominent in working circles there, zealously defending the interests of the workingmen, and at the same time exerting his influence in behalf of moderation and good order. During his entire career, on the stump, in the halls of legislation and as journalist, the workingman never had a more faithful friend or an abler or more eloquent advocate. When honors had come to him he did not forget his former associations and would frequently refer to his early life and the struggles that surrounded it. Whether in the shop, on the farm or in the Executive chair, Governor Stevenson was a worker and possessed a nature so constituted that the glittering honors of the entire world could not cause him to falsify any act, record or vocation of his past career.

Soon after he located in this State the stirring scenes that preceded the war began. His temperament would not permit him to remain an idle spectator, and he took an active and prominent part in the politics of the State. At that time distrust and suspicion hovered over every house. Union men hardly knew who were friends and who were not. But about Governor Stevenson there was no uncertainty; his voice sounded for the Union with no ambiguous tone. At that time every Northern man was treated with suspicion; the editor of the New York Tribune had just been indicted at Clarksburg, and subscribers of that paper were compelled to go stealthily across

the Ohio river to receive their papers, and had to conceal them even from their own neighbors to prevent being indicted. About this time the charge was made against the Governor that he was circulating an incendiary document, "Helpers' Impending Crisis," a copy of which he had in his library and had loaned to neighbors by request. The charge was brought to the attention of the Grand Jury and he was indicted in the County Court at Parkersburg. The excitement was intense. His life was threatened and he was advised to leave the State until the excitement abated. But the Governor did not know fear. His only question was "Is it right?" He promptly went to Parkersburg, accompanied by a large crowd of his neighbors, many of whom were opposed to him politically, but were prompted by the ties of strong friendship, and demanded a trial. Amid the confusion that attended such excitements the trial was postponed, and it remains postponed to this day.

In the canvass of 1860, upon the question of secession, the Governor took an active part, speaking in Wood and surrounding counties, and laboring with untiring zeal for the Union cause. There are three men whose eloquence and ceaseless labors contributed largely to the vote which that section of the State gave against secession; two of them are now gone and one remains, Governors Stevenson and Boreman, and the late General John Jay Jackson.

In the formation of the new State he took an active and conspicuous part, being a member of the Convention of November 26, 1861, to frame a Constitution for the then proposed State. This body, sitting under the shadow of Virginia's historic name and by her restored existence, held its sessions within the echoes of the war's din and the clash of not distant arms. Delegate Stevenson, by his excellent sense and sagacious judgment contributed materially to the success of that Convention and afterwards to the ratification of the Constitution by the people. He was next elected a member of the State Senate,

serving therein from July, 1863, to the close of 1868. During the last three years of his legislative term he was President of the Senate.

In 1868 he was elected Governor of the State for the term beginning March 4, 1869, and occupied that position upon the first removal of the Capital to Charleston, serving half his term in Wheeling and half in Charleston. He was re-nominated in 1870 but was defeated in the election by the Hon. John J. Jacob. He was the third and last Republican Governor of the State, being preceded by Governors Boreman and Farnsworth. In June, 1871, he became associated with O. G. Schofield in the publication of the State Journal, at Parkersburg, and continued in that connection until its sale to its present proprietors in January, 1882.

He was made receiver of the West Virginia Oil and Oil Land Company in 1881, and held the position until twelve days before his death, discharging his duties with marked fidelity and ability.

In the local politics of his county the Governor was always sought after, and spent his time in some representative position, called by his fellow citizens and generally much against his wishes. He took an active part in political affairs and was considered one of the most effective and eloquent political speakers in the State. He was always in demand, abroad as well as at home, and has frequently declined well paid invitations from Maine, Connecticut, Pennsylvania, Ohio, Indiana and other States, in the interest of his own State, which he loved with a patriotism sincere, unselfish and devoted.

The prominent characteristics of the Governor were a strong will, unerring judgment, a large fund of humor, keen knowledge of human nature, rigid devotion to what he believed to be right, and an integrity of character that riches dared not attempt to bribe and power could not corrupt. In all our intercourse with men we have never met with a character more beau-

tiful in simplicity and gentleness and more thoroughly honest than his. It can be said of him, what can be included in the obituary of few persons, no living man can bring against him the charge of a dishonest business transaction in his whole career. Byron's panegyric upon Sheridan, with a slight variation, is applicable here:

> "Nature formed but one such man,
> And broke the die—in moulding Stevenson."

In the hot political excitement of those days in our section, aggravated by the fearful conflict of internecine strife, the Governor was frequently charged with being a bitter partisan. Nothing is farther from the truth. He was not a partisan in the common acceptation of that term, which implies bigotry and perverseness. He was earnest and sincere in promulgating his opinions, but bigotry was as foreign to his nature as it could be to any man who knew no such sentiment as hate. Very few men who have attained prominence had more liberal and enlarged views on all subjects than Governor Stevenson, and very few men were more considerate of the opinions of others than he. His mind was a peculiar one; unburnished by a classical finish, but founded in a thorough academic course, it had a deep understanding, broad comprehension and a tenacity that would never let go until the subject of its study was thoroughly mastered. It was a mind that was slow but was laborious, and it only ceased its action upon a theme or subject when it was thoroughly mastered and perfectly understood. He was one of the best informed men on all subjects the writer ever met. Whether upon the best mode of farming, the principles of law and government or upon the abstruse principles of science, literature and art, he was always at home and entirely familiar with his theme. He acquired these traits by a thorough and systematic course of reading, aided by a strong and retentive

memory. As a writer he was forcible, truthful, systematic, humorous, sure of his points and never wandered from his theme. His fund of humor was largely developed, and he seldom made a speech on any subject without unfolding the humorous side of his topic.

Governor Stevenson knew no such sentiment as hate: it was foreign to his nature. In all the long years of our intercourse with him, and some of them covered with political strifes that were noted for their acrimony and malignity, I never heard him, with a single exception, utter an unkind word against any man. That exception was when he had been attacked in a paper with uncommon severity: as he read it he exclaimed: "What a villain," but immediately checked himself and retracted his words.

The Governor was not a member of any evangelical church, but the religious element in his nature was strong and fervent. He was reared in the Calvinistic faith, his parents being members of the old Scotch Covenanters. He had an encouraging word and an open purse for all denominations, and was an unyielding advocate of the primal tenets of Christianity. He was a Sunday School worker all his life, and for twenty years was Superintendent of the Sabbath School in his neighborhood, supporting it with faithful services and liberal donations. No taint ever rested upon his private life; so pure was it the whisper of scandal was never raised against it. He possessed the confidence, esteem and love of all who knew him, and outside of the influence of political strife I do not believe that Governor Stevenson had an enemy in the world.

Some fifteen months before death he was attacked by a disease that defied the skill of physicians and resisted all treatment. It finally developed into a cancerous affection that terminated his life on Thanksgiving day, November 29th, 1883. His last days were days of great suffering, but no murmur escaped him. His mind was clear, and he arranged the prelimni-

aries of his funeral obsequies with the same calm, methodical system that characterized his life.

Nine days before, November 20, 1883, he commissioned a personal friend to read at his funeral a carefully prepared statement of his religious convictions. This synopsis of his Christian faith not only does his intellect and heart credit, but shows the mainspring of his life, so devoted to the uplifting of his fellow men. He left a widow, who since followed him through the impenetrable veil, and a son, Orlando, who was his private secretary in Executive days, and who is in mercantile life at Parkersburg. On his monument, in Riverview cemetery, where his ashes now repose, might appropriately be inscribed: "He loved the masses, and they revere his memory."

*JAMES HENRY BROWN.

For nearly half a century, the subject of this sketch has been a well-known character in the Great Kanawha Valley. He was born in Cabell county, Virginia, December 25, 1818, and was educated at Marietta College, Ohio, and at Augusta College, Kentucky, from the latter of which he was graduated in 1840. He studied law in the office of John Laidley, of Cabell county, and in 1842 was licensed as an attorney. His practice covers a period of fifty years in the Circuit Courts of Cabell, Lincoln and Kanawha counties, and in the United States District Court, the Court of Appeals of Virginia and West Virginia, and in the Supreme Court of the United States.

In 1848, he located at Charleston, Kanawha county, where he has since resided. In the winter of 1854-5, he was a delegate to the Democratic State Convention, at Staunton, that nominated Henry A. Wise for Governor; and in 1855, he was a candidate for the State Senate, but was defeated. In 1856, he was a delegate from Kanawha county to the Democratic Convention at Parkersburg which nominated Albert G. Jenkins, of Cabell county, for Congress.

Schooled in the doctrines of the fathers of the Constitution, he repudiated the modern heresy of secession. While he maintained the just rights and reserved powers of the States and

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*By permission from "Prominent Men of West Virginia."

people, on the one hand, he defended with equal firmness the constitutional powers of the National Government on the other. He, therefore, denounced secession as tending inevitably to disintegration and the ultimate destruction of all government. In the spring of 1861, while the Convention at Richmond was passing the ordinance of secession, he was a delegate to the Union Convention, at Parkersburg that nominated Hon. John S. Carlile for Congress. No man in the southern section of the State took a more determined stand for the Union than did James H. Brown. He was a delegate to the Wheeling Convention in 1861 that rescued the western portion of Virginia from the vortex of secession and rebellion, and was also a member of the Legislature of the Restored Government of Virginia. He was a leading spirit in both these bodies, which were practically in session at one and the same time.

He was elected Judge of the 18th Judicial Circuit of Virginia in the winter of 1861-2, and it is a remarkable fact that not one of his decisions was ever appealed to a higher court. In 1863 he was elected to the Convention that framed a Constitution for the new State of West Virginia. May 28, 1863, he was elected a Judge of the Supreme Court of Appeals of West Virginia, which office he filled with conspicuous ability for the full term of eight years. After the expiration of his term as a Supreme Judge, he resumed the practice of his profession at Charleston. He was again twice renominated by his party (he became a Republican in 1861) for the office of a Supreme Judge, and he was defeated along with the rest of the ticket. In 1882 he was nominated and elected by the Republicans a member of the House of Delegates of West Virginia from Kanawha county, and was the acknowledged leader of his party in that assembly. Judge Brown was twice his party's candidate for Congress in the Third West Virginia district, first in 1883, at a special election to fill a vacancy occasioned by the resignation of John E. Kenna, and again in 1886. He was both times

defeated, but reduced the majority from several thousand to a mere nominal figure.

Judge Brown is a man of marked ability. He is fluent in speech, logical in thought, pleasant in manner. In matters of religion, he favors the largest liberty of conscience. He is a member of the Presbyterian Church, and for many years has been a Ruling Elder.

*HON. FRANCIS HARRISON PIERPONT.

Francis Harrison Pierpont, the loyal war Governor of Virginia, was the chosen leader of that brave little band of patriots, who, refusing to take up arms against the old flag, by their splendid courage and wise statesmanship made the new State, born in such troublous times, a bulwark of defense for the whole Union. He was a man whose greatness was not that of circumstances or place, but of character. He was not a mere politician. He was one of the men whom God raises up at a special time to do special work; and when that work was done, bravely, conscientiously and wisely, he was content to leave the arena of public life, and take up the quiet occupation of the private citizen, finding his greatest happiness in his home, his church and the upbuilding and development of his State.

Born in the woods of Virginia, where educational advantages were unknown, the blood of generations of educated Puritan ancestors asserted itself, and the boy of twenty-one shouldered his pack and set off on foot for college. Here his wonderful gift of choosing friends stood him in good stead, and the wise friendship of such men as Gordon Battelle, Bishop Simpson, and others of like mind, helped to mold and develop a character already rich in elements of greatness. This gift of instinctively reading men aided him again in the days between

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*By his daughter, Mrs. W. H. Siviter, of Pittsburg.

1860 and 1868, when he had to choose so carefully whom to trust. How well he succeeded only those familiar with the history of West Virginia and the reconstruction of old Virginia can know. One fact attests this. It is acknowledged that Gov. Pierpont gave Virginia the best judiciary the State ever had. And no shadow rests on the money transactions of either the new or old State, at a time when such great opportunities were offered to dishonest men for money-making. How great was the confidence and reliance that the leaders of the Union placed in him is shown in President Lincoln's tribute, and by the influence he exerted in Washington during the war of the rebellion. But those who know him best think oftenest, not of his splendid ability as a speaker, not of his wisdom as a statesman, not of his unselfish patriotism, but of the joyousness and sympathy of his nature. It was this characteristic that made him the loving chum of his children from babyhood to manhood, and the friend of every child and young person who knew him. An interesting example of this sympathy may be found in his one day laying aside the cares of his office when Governor, and taking a little child to President Lincoln, that she might plead with him for the pardon of her brother, who had been unjustly sentenced to the Albany penitentiary. Even after the death of his wife—that beautiful and talented woman he loved so dearly that ever after her departure he, too, was ready to go—his love and care for those about him kept him cheerful and serene.

Governor Pierpont's mind was always intensely active. Nothing was too small or too great to interest him. "The hand of kindness has led me all my life," he wrote in one of his last letters, "and I am content; but I have such a great curiosity to know about things, I want to get to heaven to see how the worlds are made and the stars are hung. As a public speaker his power was irresistible. What it was in the days of his manhood's prime, when he was pleading the cause of his country, we can only judge by the results of his speeches, for he always

spoke extemporaneously, and none of his addresses has been preserved. Over and over again, in his own State, and when he was stumping New York for Mr. Lincoln in 1864, he faced men who had sworn to take his life, and yet no violence was ever offered him after he appeared on the platform and had fairly faced his foes. His splendid presence, ringing voice, winning smile, and above all, the innate justice, right and power that spoke every time he faced a crowd, held back the passions of men and stood guard over the War Governor.

What he was in his midday strength and vigor, those who heard him speak in his twilight hour could well imagine, for when the sun of his power departed, its afterglow, mellow and tender and beautiful, stayed with him to the end. One of his speeches, made after his 80th birthday, was delivered in Pittsburg, at the encampment of the Grand Army of the Republic, in the largest Presbyterian Church of that city. Many distinguished speakers were present, and eloquent speeches were made, but it was Governor Pirpont's talk that caused General Sickles to spring to his feet and interrupt him by calling out: "O boys, how can you stand that? Give him a cheer, boys, even if it is in a church! Cheer him." At the close of the meeting Governor Beaver, of Pennsylvania, turning to a friend, remarked: "What's the use of the rest of us talking when the old Governor is here? We manage to pump up something, but he just knocks in the bung and out it comes."

Of his last speech to a large audience the Hon. Alston G. Dayton wrote in a private letter: "I shall never forget the last time I saw him, when, at the close of the campaign of 1896, in Fairmont, we sat side by side on the platform, and in turn addressed an audience of thousands. As I looked at his venerable form, placid and kindly face, heard the old burning thoughts, clothed in his wonted eloquent language, spring to his lips, listened to his joyous, prophetic words outlining the future of our Nation and State, his very presence was a tower

of strength. His hand, resting on my shoulder at the time, thrilled me, and every word seemed a benediction of faith and hope. We were all deeply impressed. He was peculiarly bright and happy—no doubt, no wavering, no fear. He seemed to look beyond us and to pierce the veil between the present and the future, and, as we hung on his words, telling us of the future of the State for which he had done so much, which he had loved so well,

> " 'His voice sounded like a prophet's word,
> And in its sacred tones were heard
> The thanks of millions yet to be.' "

Of Governor Pierpont's right to a place among Virginia's honored sons, Henry Jones Ford, author of "History of American Politics," says: "He was a towering figure even among the giants produced by popular government when all its energies were invoked by the terrible crisis in the life of the Nation brought on by the secession movement. * * * Governor Pierpont ranks among the truly great men whose greatness is the product of their own character, and is in no sense the creation of circumstances. At a time of doubt, dismay and uncertainty, his patriotism was unfaltering, active and courageous, his action prompt, decisive and efficient, and he won for himself a distinguished place in the history of his country."

JAMES CLARK McGREW, OF PRESTON COUNTY.

The roots of every man's character lie hidden in the distant past. While the law of heredity has not yet been satisfactorily formulated, the fact of the descent of physical peculiarities and mental aptitudes from remote ancestors, is fully acknowledged by all scientific biographers.

This fact of heredity lies at the bottom of national tendencies and race peculiarities.

The subject of this sketch was by paternal descent a Highland Scotchman and by maternal extraction a Protestant Irishman. The typical physical and mental peculiarities of these two branches of the Celtic family appear in him. Physically, he is active rather than muscular. His frame indicates Scotch endurance, rather than Irish vigor. In the make-up of his mind the caution and reserve of the Highlander is coupled with the impetuosity and boldness of the Irishman.

In the child who was born while his father was absent from home leading his regiment against the British in 1813, these conflicting tendencies were latent. They unfolded and strengthened as time passed. How far the patriotic activity of the times during which he came into the world influenced his mental and moral tendencies, is a matter for conjecture; but it soon became evident that he was to win his way in the world by his head rather than by his hands.

Until he was nineteen years of age he lived on his father's farm, doing, during the summer, such work as would naturally fall to his lot, giving no evidence of special aptitude. But in the irregular and primitive schools of the neighborhood which he attended during the winter months, his mental activity found congenial employment, and his superiority above his fellows was clearly apparent. When his school life ended, he was an accurate speller, thoroughly conversant with arithmetic, a good grammarian, and excelled in penmanship. Besides these specific acquirements, there had been developed in him the instincts of a student and he had determined to push his pursuit of knowledge as far as circumstances would permit.

The path to competence opened before him in 1833 when he was employed by H. & E. M. Hagans, who had long been established as merchants in the town of Brandonville, which adjoined his father's farm. This path he followed with tact and diligence for twenty-seven years. These were years of growth in character as well as fortune. His employers were men of New England extraction, who had inherited convictions which were not congenial to the soil of Virginia, and were familiar with the management of larger interests than were common in Preston county. Their unresting energy led them into many new enterprises which promised returns, but which involved risk and activity to which the natives of Western Virginia were not accustomed. Their mercantile operations covered a wide area in Western Pennsylvania and Virginia, and soon brought the subject of our sketch to Kingwood, where he has ever since resided. In their employ he was first, clerk, then confidential manager, and finally a partner.

The broadening of his intellectual outlook began in his association with these men. The exigencies of business soon took him to Baltimore and Philadelphia, where he was impressed by the intellectual activity and concentrated energy of city life. He entered upon a course of mental improvement which lasted

many years. His periodical trips to the East gave him the opportunity of securing the best books. Among the earliest of his purchases were small, substantially bound copies of "Locke's Essay on the Conduct of the Human Understanding" and "Bacon's Essays." These were followed by American editions of contemporary English poets; books on travel in the Orient, particularly in Palestine; works on gardening; on mechanical science and architecture.

His intellectual life was greatly stimulated by the Philomathean Literary Society, which was formed in 1843, of which he was the first president, and to which through a quarter of a century belonged nearly all the leading men of Kingwood and vicinity. This society tended strongly to promote mental activity in the young men of the town and neighborhood. Various forms of literary exercises appeared on its programmes. But the chief interest centered in the debates. All the great questions in politics, in science, in religion, which were agitating the thought of the time were discussed with vigor and intelligence. In these debates the subject of our sketch bore a conspicuous part. Preparation for them made reading necessary and tended to crystalize his opinions on many important subjects, especially such as related to the public policy of the country.

A marked love for beauty in form which had early disclosed itself in his penmanship, now found scope and was developed to a high degree. Rare plants and flowers, the latest products of Eastern green-houses, found their way to his garden and grounds, which were soon known to be the most attractive in the county.

His taste for architecture was strong and true. It was formed on the best models and inclined to classical simplicity and strength. He disliked deeply what was unnecessary in ornament or whatever tended to divert attention from defects in design or hidden weakness in construction. What he built

or advised others to build was plain, symmetrical and durable. His good taste in this direction, diffused through carpenters and builders, made Kingwood in the eighties one of the most attractive towns of its size in West Virginia.

The development of his religious character which went on steadily through this period of his life, was, humanly speaking, the product of both heredity and environment. By birth he was a Presbyterian. But his father was suspected of being a free-thinker in speculative theology. Early in life he himself began to question the truth of some features of the elaborate systems of doctrine which had been accepted by some bodies of Christians who had separated from the Roman Church at the time of the Reformation. In particular, he had reached the conclusion that in determining their eternal destiny men were not mere clay in the hands of the potter; but that each individual counted for much. Moreover, he had begun to believe that what a man did was of as great importance as what he believed, in determining his future; and that to live earnestly and justly in this life was as much a duty to God as to prepare for the life which is to come. It is believed that these convictions were in a large measure an inheritance from his father, whose independent spirit had broken away from the theological narrowness of the times, while holding to all that would now be considered essential truth.

His earliest religious impressions outside those which came to him at home, were received while attending Quaker meetings. With his entrance upon business life he came into close association with prominent and pronounced Methodists, whose early training, however, had been in the free atmosphere of New England Congregationalism. Their connection with Methodism, moreover, is believed to have been due to the fact that it was the only organized form of active Christianity which happened to be found in the community where they resided. He found that these men, like all the early Methodists, laid greater stress

upon conduct than upon creed. With the Methodists he ultimately connected himself, and for years was active in the work of his local church. His religious reading, which began with such books as "Doddridge's Rise and Progress" and "Jay's Morning and Evening Exercises," gradually turned toward the weekly newspapers and monthly magazines which were published under Methodist auspices, together with such practical volumes as then issued from Methodist sources.

His close relations with the Hagans family were cemented by his marriage in 1841 with Persis, the eldest daughter of Harrison Hagans. This union, which lasted for more than half a century, was to the subject of our sketch the source of the best and highest of many good things which have come to him in life. His wife, to an attractive personality which centered in a mind unusually well cultivated for that time, joined a clear insight into the practical affairs of life and unbounded devotion to the interests of her husband and to their home.

To her influence he was more open than to that of any other human being, and she moulded and directed his conduct more than all others combined. It was the natural outcome of a union between two strong persons who had been acquainted with each other long before marriage and who had loved but once and deeply. Every improvement in fortune was at once reflected in the appointments of their home, and there he found his safest retreat in discomfiture, and his surest reward in success.

The building of the Baltimore and Ohio Railway from Cumberland to Grafton brought to Mr. McGrew the opportunity for enlarged commercial activity and he was not slow to embrace it. He established himself wherever the end of the road was likely to remain for even a few months. His physical powers were now at their best, and he was constantly employed in passing between his various establishments and in supplying them with goods. This physical strain, continued for

more than ten years, greatly impaired his health. But disregarding frequent warnings, he pushed forward.

His fortunes were advancing steadily when the secession crisis was precipitated upon the country. Up to this time Mr. McGrew had held no public office. His taste for architecture, and his knowledge in kindred matters, caused his services to be frequently called for by the county authorities. The building of a fine county Court House, which was subsequently set fire and burned, and the superintending of the construction of a bridge over Cheat river, a difficult undertaking, constituted some of the work he had done for the public.

He had been too busy to take a prominent part in the politics of his county or of the State. Besides, he was by inheritance, by family connection, and by personal conviction, a Whig; and his native county was largely Democratic. He was not indifferent to political movements. He had noticed the close connection between national legislation and national prosperity. He had observed the discrimination against his section of the State by the General Assembly of Virginia in the matter of taxation and in the making of public improvements with public money. The basis of representation in the Legislature of the State and the taxation of slaves had long been burning questions between the Virginians who lived west of the Allegheny ountains and those who occupied the gentler slopes and more fertile valleys east of that range. On these questions he had matured, intelligent and decided opinions in favor if his own section. At the same time he had viewed at short range the mismanagement of affairs in his own county, the unwise use of public money, and the selection through party spirit of unfit men for public office. These facts had resulted in a deep dislike for politics, and a distrust which fell little short of contempt, for politicians. Besides, his independent spirit could hardly brook the attitude of compliant deference toward voters which was customary on the part of aspirants for office.

It is doubtful if any crisis less grave than that which was then approaching could have induced him to leave, even temporarily, his large and growing business enterprises. But he had watched the gathering storm and felt that the aid of every lover of his country would be needed to keep the ship of state from foundering. He had been accustomed to look upon the mountains and those who occupied the gentler slopes and more Union of States as the safeguard of civil liberty. It should not be destroyed if he could do anything to prevent it. Accordingly he allowed himself to be elected a delegate to the Convention of Virginia which assembled in Richmond in February in 1861, and later passed an ordinance of secession. In this body he found himself associated with some of the oldest and most experienced public men in the State. The great majority of the members had been elected as Union men. Their constituents had told them plainly that they did not wish to secede from the Union. But there was a small and determined band of men, headed by ex-Governor Henry A. Wise, who were determined to carry Virginia into the vortex of secession, peaceably if they could, forcibly if they must. In the fierce and prolonged struggle which took place btween this compact minority and the large but incongruous majority, every spring of human action; fear, hope, vanity, State pride, family connection, self-interest, religion, was touched by skillful fingers to seduce men from the duty which they owed to their constituents, from their hereditary attachment to the Union, from the solemn oaths which many had taken to support the Constitution of the United States; to bind their better judgment as to the true interests of Virginia, and to induce them to vote to array the Old Dominion alongside the cotton States in opposition to the Federal Government. Few men now living know what a hell of human passions Richmond was during the late winter and early spring of 1861. The sentiment of the city was against the Union. Many of the inhabitants were outspoken in favor

of secession. Union members of the Convention were threatened with assassination. Some of them were spit upon as they walked along the streets, and from the gallery in the hall in which the Convention met. Others were compelled to walk under secession flags suddenly flung out over their heads from balconies under which they were passing. This local hostility was encouraged and strengthened by the gathering of a large number of avowed secessionists from all parts of the State who organized a Convention and went into secret session near the Capitol where the Convention was sitting. Through fiery resolutions and by personal interviews these men undertook to overawe the Union members of the Convention and to dragoon them into voting for secession.

Into this seething cauldron of conflicting views and raging passions the subject of this sketch was plunged. His inexperience as a public speaker prevented him from contributing to the great debates which characterized the earlier sessions of the Convention. His lack of personal acquaintance with the leading public men of the State largely restricted his influence to his immediate associates from the western counties. But he contributed to the contest a firm devotion to the Union and an immovable courage, which were of more value than either eloquence or personal influence. His lack of acquaintance left him free from the entangling alliances of friendship and the unpopularity which grows out of remembered contests. He was under obligation to none; he was personally obnoxious to none. He was free to follow his own convictions and the wishes of his consituents. His very unfamiliarity with political methods became a source of strength. He could not conceive that a representative was at liberty to disregard the expressed wishes of his constituents, to which he had given public assent before his election. Trained in commercial integrity, he did not see that an oath of allegiance to the United States, voluntarily taken, could be rightfully repudiated because a

majority of those with whom he happened for the time being to be associated, had voted that they would do so. It looked too much like the maker of a promissory note declining to pay, because circumstances had changed since he gave it, and his neighbors had resolved that they would not meet their obligations. His independence of character had, at last, found a field in which it could render far-reaching service. He beheld the Union majority in the Convention crumbling away under the combined assaults of determined foes of the Union with regret, but not with fear. As one Union man after another succumbed to the threats or the blandishments of the secessionists his courage rose. He was not following men, but principles. In the private consultations of his colleagues from the western counties, his advice was always appreciated, and it always meant unbending opposition to secession. The sentimental devotion of the Irishman to a cause was supported by the unflinching stubbornness of the Scotchman under difficulties. Had he felt less deeply the value of the Union for which his father had fought, he might have been seduced from his allegiance by glowing descriptions of the glories of Virginia as the leading State in the new Confederacy. Had there been in his composition less of that Highland courage which for centuries had shown most conspicuously "during the closing hours of a doubtful day," he might have followed the example of some of his colleagues from the west, and bent before the storm of threat and vituperation which beat pitilessly upon himself and his associates. But the Man and the Hour had met. The crisis for which he had been unconsciously preparing was upon him. His unswerving devotion to the Union was a source of strength to many of his colleagues. Without a moment's vacillation, he voted against secession from first to last, and he was one of the fifty-five whose voices were given in favor of the Union upon the final passage of the ordinance of secession on the 17th of April, 1861. Two months later he and

eleven other members were expelled from the Convention for "conspiracy against the Commonwealth of Virginia, and abetting its open enemies." With true democratic instinct he had returned to his constituents and found them applauding his opposition to secession, and filled with a determination to maintain the cause of the Union with their last dollar and their last drop of blood.

In the stirring events which immediately followed he took an active and honorable part. The safe, conservative course, suggested in the Wheeling Convention, and supported with ability and determination by his close friend, Hon. Waitman T. Willey, of first reorganizing and restoring the government of Virginia before attempting a partition of the State, and the formation of a new one, his judgment fully approved, and he gave to it, and to subsequent measures loking to the same end, such support as his position enabled him to render.

His brief experience in public life had given him a decided distaste for public position, and he preferred to do his duty in the capacity of a private citizen. But the people of his native county would not permit him to retire. He was elected to the House of Delegates in 1863, and helped organize the new State. In this and the following Legislature he occupied a very prominent place on the Judiciary and the Taxation and Finance Committees. As a member of these two committees he took an active part in repealing those restrictive laws which had made Virginia an oligarchy. Voting by ballot, the extension of local self-government through the substitution of the New England township system for the Old England county system as the unit of administration, the removal of inequalities in taxation, the erection of a system of public schools; these and other important measures felt the impress of his mind in the committee room or on the floor of the House of Delegates. As a legislator, he was cautious, conservative and constructive. He possessed peculiar facility in handling questions relating to

taxation and finance; and at that time these were especially prominent and pressing. But in public debates he felt embarrassed by what he deemed his lack of early training in extemporaneous speaking, and preferred to write out his conclusions and read them from manuscript.

In reasoning upon these great questions the practical bent of his mind was always apparent. For abstract principles he cared but little. The immediate effect of a measure upon the public welfare was of paramount importance. His conclusions had been reached not by abstract reasoning but by close observation of the actual working of law and policies.

With the close of the war Mr. McGrew returned again to the pursuits of private life and engaged in banking in connection with his former colleague in the Richmond Convention, the Hon. Wm. G. Brown. In 1868 he was elected to Congress in opposition to his life-long friend and recent business associate, Mr. Brown. After a re-election in 1870 he declined a renomination and again sought the retirement which has always been so congenial to his tastes.

Since the close of his public career he has filled several important representative positions in his church and minor administrative positions in the State; but has chiefly devoted himself to the conduct of his private affairs and those of the banking institution of which he was founder, and with which he has been closely connected for 35 years.

In 1881 he was a delegate to the First Ecumenical Conference of Methodists, which met in London. This gave him the opportunity of carrying out a plan of travel which he had formed long before, and for which he had been preparing himself by extensive reading for forty years. He traveled during that and the following year in Great Britain, on the Continent, in Turkey, Greece, and Asia Minor, through Palestine, into Egypt, and on to India. He returned with his mind well stored with acute observations upon the countries which he had visited,

and with the deepened conviction that America is the freest, the happiest and the most desirable country that he has seen.

The last eighteen years of his life have been a period of maturity rather than of decay. In 1893 his wife died. She had been the inspiration of his youth, the companion of his manhood, and the sharer of his hopes and disappointments for more than half a century. Within the next six months both his legs were broken by an accident in Florida. From this accident he recovered to a degree which was surprising. Now in his eighty-seventh year, he is as active and masterful in business as are most men at sixty; and but for the sadness which follows bereavement and a lameness which makes locomotion difficult he would enjoy life as keenly as he did forty years ago.

The man and his career are remarkable in several respects His strong will has overcome a long series of difficulties and conquered at every point. Less muscular than many of his contemporaries, through a studied temperance he won back his health which had been impaired by a too close application to business, and has outlived them all.

By making the most of the limited opportunities of his youth, he laid the foundation of an intellectual life which has been intense and sustained through three-quarters of a century. On practical matters, his judgment is always sound and in fields with which he is familiar almost always correct.

Beginning life in surroundings plain almost to bareness, he has added one comfort after another until he finds himself spending his age in the midst of a scene of quiet, simple beauty which it would not be easy to duplicate in his native State.

Entering public life without experience, at an age when the majority of his countrymen have reached the zenith of their fame, he rose steadily and without reverse, until he was seated in the Congress of the nation. Then he retired against the wishes of many of his constituents, without a pang of re-

gret, to his books, his flowers, his business and his friends. Of his public life it can be said that he never offered himself for an office, never asked any man to vote for him, and was never defeated in any election.

The man and his career would not be possible in any land except America. Both are typical products of free institutions and a new country.

HON. CHESTER D. HUBBARD.

Hon. Chester D. Hubbard was of English ancestry, he being descended from William Hubbard, who landed at Plymouth in 1630, and settled at Ipswich, Mass. The subject of this sketch was the eldest son of Dana Hubbard, who came with his family to Pittsburg in 1815, Chester D. Hubbard, born in Hamden, Connecticut, November 25, 1814, being then but six months old, and reaching Wheeling in 1819, where he located. Chester D. Hubbard was but four and one-half years old when his father reached Wheeling, and hence he spent nearly seventy-three years of his life as a resident of that city.

In his childhood he attended the local schools until he was thirteen years of age, and then went to work, in mills, brickyards, etc., until he attained his majority. On his twenty-first birthday he began preparations for acquiring an additional education, and shortly afterwards he entered the Wesleyan University at Middletown, Conn., where he graduated in 1840, standing first in his class. He at once returned to Wheeling and engaged in business, being largely led to that career by his father's failing health. Thus were laid the foundations of a business career which remains a matter for emulation by all. Mr. Hubbard first embarked in the lumber business, which he carried on successfully until 1852, when he, with Mr. D. C. List and others, established the Bank of Wheeling, Mr. Hubbard

becoming the President of the institution. He continued in that enterprise until 1865, later continuing the banking business through the German Bank, of which institution he was President at the time of his death.

In 1859 he organized a company which, under the title of C. D. Hubbard & Co., leased the Crescent Iron Mill and engaged in the manufacture of railroad iron for over a year. He was also one of the organizers of the Wheeling Hinge Company and was a director of that company at the time of his death. In 1871 he became secretary of the reorganized Wheeling Iron and Nail Company, which he continued to fill. He was also a member of the firm of Logan & Co. for twenty years and was president of the Logan Drug Company at the time of his death.

For years prior to 1873 Mr. Hubbard was active in attempting to secure the building of a railroad from Wheeling north along the Ohio river, and in the year named he became one of the incorporators of the Pittsburg, Wheeling and Kentucky Railroad Company, and in 1874 was chosen its President, which position he filled right along until his death. The success of that business enterprise is known to all, and much of it is due to the business sagacity and good management of the deceased. Mr. Hubbard was also interested in other business enterprises, and throughout his life was a firm believer in the advantages of Wheeling as a manufacturing and business center.

Mr. Hubbard was long prominent in public life. He was a member of the Virginia House of Delegates in 1852-3, from Ohio county, and in 1861 he was a member of the Convention which passed the ordinance of secession, strenuously opposing that measure. He left the Convention immediately after the adoption of the ordinance, arriving on Friday, and at once issued a call for mass meetings at the Guards hose house (hook and ladder) and at American hall, on the South Side. By Sunday, two days after his arrival, he had the satisfaction of seeing two companies of soldiers organized and sworn in. In a week

a full regiment had been organized, of which he was elected Colonel. Mr. Hubbard was a member of the Wheeling Convention, which met in May, 1861, and of the Convention which assembled in June of the same year, looking to the establishment of a restored government for the State of Virginia, and the formation of a new State. When West Virginia was formed, Mr. Hubbard was chosen to the State Senate. He was elected to the Thirty-ninth Congress, and was re-elected to the Fortieth Congress.

Mr. Hubbard was, throughout his life, an earnest friend of education. He was chosen a trustee of the Linsly Institute in 1848, and in 1873 was elected treasurer, which office he continued to fill. He was active in founding the Wheeling Female College, was one of the trustees, and was President of the Board from 1865 up to the sale of the property.

Mr. Hubbard was married September 29, 1842, to Sarah Pallister, an English lady, a step-daughter of the late John List. Five children were the results of this union: William Pallister Hubbard, Dana List Hubbard, Chester Russell Hubbard, Julia A., wife of W. A. Tyler, of Triadelphia, and Anna G., wife of Joseph C. Brady.

Mr. Hubbard was a member of the Chapline Street Methodist Church at Wheeling, and at no time in the history of the society has the church been favored with a more warm and earnest worker.

In 1872 he was a lay delegate to the General Conference of the M. E. Church, which met in Brooklyn. He was a prominent official member of the Chapline Street M. E. Church, and that denomination had no member who was truer to its tenets than he. He was a religious man; not only a professor of religion, but a practical Christian, going to his church duties with the same earnestness and the same devotion that he put into everything his hand found to do. He was a liberal man, but conscientious in the extreme, and to his activity and zeal was

due in considerable degree the prosperity of the church with which he was united.

His activity in the varied walks of life which his energy and his versatile talents peculiarly fitted him did not cease until death admitted him to the reward of the just man made perfect. In 1880 he was a delegate to the Republican Convention at Chicago which nominated Garfield and Arthur, and after his return home he made a speech in the Opera House at the memorable ratification meting of the Republicans of Wheeling, which had in it more fire and fervor, and which was received with greater enthusiasm than all the speeches made by younger men.

Four years later he was a decided partisan of Blaine, and took as active a part in the preliminary fight for him as anybody in the State. He was a member of the primary convention and of the State and district conventions, and never missed an opportunity to strike a blow for his man.